

Former IRS Commissioner Mark Everson in congressional testimony said:

I have freely acknowledged it is more costly to use private collection agencies than it would be were the IRS to do it.

That is from an IRS Commissioner. Former Acting Commissioner Kevin Brown told the House Ways and Means Committee:

We can do it more efficiently. We have the tools under the law that obviously are going to lead us to being more efficient.

My only point is, I hope there is not an amendment on this issue. I have great respect for my colleague from Iowa. But I think this is a program that should not have been started. Now that it is started and losing money, it ought to be abandoned. If we are looking after waste, fraud, and abuse issues and trying to protect the American taxpayer and shut down the waste of taxpayers' money, there is no better candidate, in my judgment, than the candidate that is in this omnibus package and this particular subcommittee by which we shut down the use of private collection agencies that have actually lost money for the American taxpayers. My hope is we do not have an amendment on this point. In any event, it is long past the time for us to have shut down a program that is costing the American taxpayers money—\$20 million to hire private tax collectors who are collecting less money than it is costing us to hire those collectors.

One might, by the way, look at this and say: Man, how can that be controversial? It seems to me that is a slam dunk, that is common sense. If that is the case, if that is what you think, you do not understand how the system works because even things that are demonstrable failures are often hard to shut down. This is an example of that. We are close to getting that done.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRIME MINISTER OF GREAT BRITAIN

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 12 noon in order to attend a joint meeting of Congress.

Thereupon, the Senate, at 10:40 a.m., recessed until 12 noon, and the Senate, preceded by the Deputy Sergeant at Arms, Drew Willison, the Secretary of the Senate, Nancy Erickson, and the Vice President of the United States, JOSEPH R. BIDEN, Jr., proceeded to the

Hall of the House of Representatives to hear the address by the Prime Minister of Great Britain.

(The address delivered by the Prime Minister of Great Britain to the joint meeting of the two Houses of Congress is printed in the Proceedings of the House of Representatives in today's RECORD.)

Whereupon, at 12 noon, the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding officer (Mr. CASEY).

#### OMNIBUS APPROPRIATIONS ACT, 2009—Continued

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 596

Mr. INOUE. Mr. President, amendment No. 596, offered by the Senator from Oklahoma, prohibiting funding from being used for no-bid contracts would appear on its face to be a good amendment, an amendment that some are asking: Why would I vote against this?

When this amendment first appeared as an amendment to the recovery act, the Senate passed it by a unanimous vote because it appeared to be a good-government amendment. However, what we quickly learned as we began conference negotiations with the House is that the consequences of this amendment are more far reaching than simply prohibiting no-bid contracts.

Because of the way this amendment is drafted, it is destructive to small business and minority-owned businesses in this country, as well as to Native American funding. This amendment states the only procedures that can be used to award funds in this act are the procedures in accordance with only section 303 of the Federal Property and Administrative Services Act. As a result, this amendment prohibits agencies from making any awards to small businesses through statutes that have been enacted over the years that provide assistance to small businesses, including small veteran-owned businesses, service-disabled, veteran-owned businesses, minority-owned businesses, tribal enterprises, women-owned businesses, HUBZone-qualified businesses, and other entities covered through the SBA programs, as well as the Javits-Wagner-O'Day Act, just to name a few.

Mr. President, in terms of Native American funding, this provision would essentially overturn the so-called "638" contracts whereby a tribe contracts with the Bureau of Indian Affairs or Indian Health Service or other agency to

perform the function of that agency. These contracts are not competitive pursuant to the Indian Self-Determination Act and other statutes enacted to help Native Americans.

In fact, efforts were made to correct this language during the conference negotiation of the recovery act so that small businesses—the backbone of this country—and Native American funding would not be unnecessarily penalized by language that combined the broad dismissal of authorization statutes and the narrow citing of one procurement law. Even with the significant improvements made to the original text, the Senator from Alaska, who is the ranking member on the Energy and Natural Resources Committee, asked that I enter into a colloquy with her during consideration of the conference report to clarify that the language did not impact existing Federal procurement law applicable to programs that allow for set-asides and direct-award procurements.

Mr. President, I cannot speak to the intentions of the Senator from Oklahoma as to what he wants to accomplish with this amendment. To be clear, however, I can speak to the consequences of the pending amendment. It will have a destructive impact on the small business programs and Native American programs mentioned above.

Do we really want to prohibit small veteran-owned businesses, service-disabled, veteran-owned businesses from Federal funding opportunities unless they compete in the same manner as large corporations? Do we really want to prohibit small women-owned businesses from Federal funding opportunities unless they compete in the same manner with large corporations? Do we really want to say our Federal agencies must ignore existing Federal procurement laws that govern these small business programs and Native American programs and allow only these small businesses to compete subject to section 303 of the law?

This amendment systematically ignores years of Small Business Committee and Indian Affairs Committee authorizations enacted into law by insisting that all contracts be awarded through one specific section of one specific law. This is the exact language the Senator from Oklahoma offered during Senate consideration of the recovery act and not the provision that was amended after Members were made aware of the negative impacts on our small business community.

Consequently, while it appears to be a good-government amendment, it is in fact the opposite. If this amendment is adopted, it will cause significant disruptions to small businesses across this country, and I don't wish to be part of that effort. Small businesses make up 99.7 percent of our Nation's employers and 50.3 percent of our Nation's private sector employment. Denying the ability of these small businesses to compete on a level playing field would severely impact small businesses that are

already struggling to stay afloat during the current economic downturn.

Given the information we have learned since this amendment was first proposed several weeks ago, and given the fact the language before us does not take into account and address the many problems raised after it was first proposed, I encourage my colleagues to oppose this amendment. It is the least we can do for our small businesses, particularly given the economic crisis we are currently in.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 608

Mr. COBURN. Mr. President, I would like to speak a few minutes on the Emmett Till amendment that I have up. We heard this morning from the Honorable Senator from Maryland, utilizing the letter from the Attorney General saying they would work hard in approving and working on the Emmett Till Unsolved Civil Rights Crime Act. However, the defense for not approving my amendment was the fact that the Justice Department is going to work hard on it anyway.

I would note for my colleagues that is exactly the opposite amendment that we had last year when we were trying to pass this bill, when it was my contention that we didn't need additional money and that the Justice Department could do it. What we heard almost unanimously outside this Chamber is they couldn't do it without funding.

So now we have an amendment that actually puts in funding to go after these perpetrators of these heinous crimes. Yet we don't want to do it because now the very excuse we said wasn't good enough last year is good enough this year.

That is disloyal to the cause, No. 1; and, No. 2, it does not make any sense in light of the very statements made by some of the very same Senators last year.

The fact is, not funding this will make a real difference in the number of cases that get brought to prosecution. We have a letter from the Attorney General that says he will try, but what we are talking about is giving him more money so he does not have any excuse for not trying—which lines up exactly with the reasoning behind the appropriations bills on almost every other topic.

I say to my colleagues, having a letter which was generated last year in my support for trying not to increase the funding—which was said that wasn't adequate, that we needed funding—now the fact that you refused to fund something you promised to fund and say it will get done anyway does not speak very well of our effort in that behalf.

It is my hope the Senate will look hard and long at this. You cannot have it both ways. You cannot say you need to authorize funding, we need to have funding, and send out a press release

saying you authorized \$15 million a year for the next few years to do something and then have a chance to fund it and not fund it and say we didn't need to authorize the funding in the first place. It is hypocritical, in my opinion, and my hope is we will give great and concerted consideration to my amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, very soon I am going to talk about an amendment I want to offer on the DC Voucher Program for low-income kids. But first I want to talk about the bill in general for a few minutes.

Yesterday, I talked about the spending bill we have before us as being 8 percent over spending from last year on various programs that are contained within the bill.

We just had Secretary of Treasury Geithner before the Senate Finance Committee. I asked him a question. I said: I applaud the President for hosting a fiscal responsibility summit just last week at the White House. I think that was a great thing. It set some very important goals for us to be fiscally responsible to the next generation. I told him this administration had an opportunity to say these are last years bills, drafted under a different administration. But rather, they said, we are going to look the other way; we are not going to hold to our "no earmarks" pledge or fiscal responsibility pledge on this bill, we are going to do that on future things.

But the problem is, it is not just this bill that increases spending by 8 percent. This bill gets added into the baseline. This extra \$23 billion gets added into this year's baseline, which means that next year's the baseline goes up and the budget for the next year after that goes up, and up and up, so this \$23 billion increase in federal spending ends up being several hundred billion over 10 years. That is not what we should be doing now.

We have entitlements that are going to be exploding. Every family in America today is looking for ways to cut their budget. We are hearing that the movie industry is actually doing pretty well right now because people are saying: That is actually a little luxury I can afford, because they can't afford some of the bigger luxuries they wanted. Instead of buying cars or big-purchase items, they are buying smaller things. That is why Wal-Mart seems to be doing well at this point. People are looking for values.

Businesses across the country are looking to cut expenses. They are looking to cut wasteful spending. Every bu-

reaucracy, whether it is private or public, grows over time, so businesses are looking for ways to be able to handle these tough economic times.

Local governments and State governments are forced to live within a budget. So what are they doing? They are making tough choices right now. Even with the money the Federal Government sent them, they are still having to make difficult choices, so they are looking for what wasteful spending is out there and what ways they can cut back on waste.

The one place that seems immune to cutting wasteful spending is the Federal Government, and the people responsible for that are right here in this Chamber and in the Chamber across the Capitol. We control the purse strings. This is not a time for us to increase spending. This is a time for us to ask every Federal agency, department, program out there: How can you save money right now? How can you cut administrative costs? Which programs are duplicative? Which programs are working and which ones are not? Let's take the money away from the programs that are less efficient right now, let's cut back on bureaucracy instead of expanding the bureaucracy at this point. I would say this is really an irresponsible moment for this Congress.

I applaud two Members from the other side of the aisle, Senator EVAN BAYH and Senator RUSS FEINGOLD. They have come out in opposition to this bill because they said pretty much the same things I was saying this morning. Senator EVAN BAYH from Indiana wrote a great opinion editorial today in the Wall Street Journal laying out why this is an irresponsible bill and why he is going to be opposing it.

If we are going to care about our children and our grandchildren, we cannot wait a year or 2 years. We need to be fiscally responsible today. We should have been doing it in the past years as well. I agree there has been irresponsible spending in this body by both sides of the aisle and by the previous administration, but that is no excuse for us to say we can just continue it.

Federal spending has been rising and rising, much of it off budget. I agree with the Democrats when they criticize Republicans in the previous administration for off-budget spending. I have been one of the people up here saying the tricks we were playing with the budget on defense were dishonest. They were trying to say they were not increasing spending because it would take money away from defense, knowing it would be added on later so they could increase other spending bills. That was dishonest. That was dishonest budgeting, and it is time to get to honest budgeting.

But it is also not just honest budgeting we need to get to. We need to get to fiscal responsibility. So really take a look at what we are doing here. Think about the next generation and

future generations. Do we really want to add this kind of debt burden, where they have to pay hundreds of billions of dollars and even trillions of dollars in interest just because we were unwilling to take tough votes here in the Senate?

The second issue I wish to talk about is the issue of DC choice. The schools in Washington, DC, are some of the worst schools in America. We brought this issue up last week, and we were able to get an agreement that, instead of having a vote on the DC voting rights bill, the majority leader would give us time on the Senate floor to reauthorize the program. It is a program that says for very low income kids in the District of Columbia, we are going to experiment and see if maybe we can give them a decent education.

The District of Columbia spends around \$15,000 a year per student on public school education. We said we will give them a \$7,500 voucher towards the ability to go to a private school, a school of their choice. The number of people who want to get into this program is incredible. Why? Because DC schools are failing too many children. DC schools are mostly made up of minorities, and we are trapping those very minorities into a school system that by and large does not work. So the DC voucher system was put in to at least take a few of those students out and see if they can do better in a different setting. Does it work? Some people say we are not measuring it right. All you have to do to know whether it works or not is to talk to the parents and to the students who have been involved in the program. Guess what. They want it to continue. As a matter of fact, they would like to see it expand. But what are we doing? This bill all but guarantees its elimination. How does it do that? If this language is not removed from the omnibus the program would be effectively cut. The omnibus contains language to eliminate the program after the 2009–10 school year unless congress reauthorizes it and DC City Council approves it. We know where the votes are on the DC City Council. The votes on the DC City Council would kill the program. The teachers unions in the District of Columbia, as they are in most cases, are totally opposed to any kind of voucher system. They believe it is a threat to their power base.

I am concerned about the kids and their education. That is all I am concerned about. If this program is going to work—and it seems to be working based on the interest of the number of families who want in it and based on the desire of the families who are in it to continue in it—then that is what we should be concerned about.

I am going to be offering an amendment that would strike the language in the omnibus bill and would allow us to authorize it this year in the Senate. That is the right thing to do, to make sure these kids still have a chance to get a good education in the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I come to the floor to speak in opposition to an amendment offered by the Senator from Oklahoma, who singles out two instances of congressionally directed funding that were included in the fiscal year 2009 Omnibus appropriations bill under my name. The Senator has claimed that these earmarks are inappropriate or wasteful and should be removed from the bill. One provides \$5.7 million for competitive school modernization grants in my State of Iowa. The other provides \$1.8 million for national research into swine odor and manure management at the Soil Tilth Laboratory in Ames, Iowa.

At the outset, as a constitutional matter, I first take issue with the premise underlying the amendment of the Senator, the idea that Congress has no business directing the expenditure of Federal moneys through congressionally directed funding; that somehow there is something inherently wrong or evil in this practice and that only the executive branch should determine the details of where moneys are to be spent. This stands the Constitution on its head. Article I, section 9, expressly gives Congress the power of the purse, both to collect moneys—levy taxes—and to direct where that money is to go. I would say that the Executive, the President of the United States, does not have the constitutional authority to spend one single dime of our taxpayers' money. That authority has been given to the President, the executive branch, over the last 200 years by the Congress, but there is no constitutional basis for the President spending any money. So, therefore, that is inherently a constitutional function of the Congress. At any moment, at any time, if we want to, we can pass legislation taking all that money back here and saying the President cannot spend a dime unless we say so. We do not want to do that, obviously. But we could. We would be in our constitutional right to do so. So there is not something inherently wrong with Congress directing funding. In fact, I would say it is more appropriate for Congress to do that than for the President.

It is an odd practice—if the President requests it in the budget, it is not an earmark, but if we put it in, it is an earmark.

Someone please tell me the logic of that. So, again, I basically disagree with sort of the underlying premise that somehow executive branch employees, all those bureaucrats, have a much better understanding of where and how Federal funds should be spent most effectively in our States and in our districts.

Now, again, over the years we have permitted that to happen, but we, through our oversight functions, can look at how that money is being spent, and through our congressionally di-

rected funding can decide how some of that is spent. So it is not a constitutional issue. It is not a constitutional issue, at least as far as Congress goes, as far as directing where spending should be made.

But I want to talk about these two earmarks mentioned, both of which address significant needs both nationally and in my State of Iowa. I will talk about the second earmark, funding research into swine odor and manure management later in my remarks.

I want to say at the outset, I am proud of both of those earmarks or congressionally directed spending, and I stand behind them. I believe the Senator from Oklahoma's attempt to strike them from the bill is extremely shortsighted and misguided, quite frankly.

So let me spend a few minutes discussing why I included these items in the bill. Let me start first with the \$5.7 million for competitive school modernization grants. For years I have argued that the genius of our education system in America is its diversity; local school districts deciding what is taught, what books to buy, what teachers to hire, how to run their schools. We do not have, as some other countries have, a top-down structure where the central government decides exactly what is to be taught, how it is to be taught, and everybody gets the same thing. I have been to those countries. A lot of them tout their educational system. But, quite frankly, it does not have the kind of creativity and diversity and spontaneity that our diversified education has in this country. So that is the genius of the American system of education.

The failure of the American education system is how we pay for it. I wish someone would show me somewhere in the Constitution where it says that elementary and secondary education in America is to be paid for by property taxes. You will look and you will not find it anywhere in the Constitution. So why do we do it that way?

Well, I delved into the history of this, and it kind of goes like this: In the early days of the founding of our country, before we were a nation, in the Colonies, people wanted to have a free public education. Well, it was free for white males at that time, but, nonetheless, free. But since we had no taxing system other than tariffs and property taxes, that was the only way they could pay for it. So tariffs and property taxes became the support mechanism for local schools in the Colonies, and that kind of continued on. It continued on. The tariffs went by the wayside, so then it became a property tax-based function for paying for elementary and secondary schools in America. The first time the Federal Government ever got involved in education in any way whatsoever was in 1864 with Morrill, the bill that Lincoln signed for setting up land grant colleges and universities. That was the first time, and that was only higher education. That was higher education.

The next time the Federal Government got involved in education was almost 100 years later. It was after World War II when we set up the GI bill to pay for our young veterans to go to college, and then that was higher education.

Then we had the Eisenhower program, the National Defense Student Loan Program in the 1950s. Again, higher education. The first time the Federal Government ever got involved in elementary and secondary education was title I, providing some Federal help to low-income schools to try to help right this imbalance out there.

Then we had the Education of the Handicapped Children's Act, which later became IDEA, the Individuals with Disabilities Education Act. So the Federal Government has not been involved—well, unless you want to take the School Lunch Program. The School Lunch Program and breakfast came along later, but the School Lunch Program, which came in after World War II as a feeding program, not as an educational program. I forgot to mention that.

So the Federal Government's involvement in elementary and secondary education has been as of late and very small, only title I, and basically IDEA, the Individuals with Disabilities Education Act.

Jonathan Kozol wrote a book in the eighties called "Savage Inequality," and this was the savage inequality: What he talked about is how he traveled around America and how he found there were some great schools and great facilities in one place, and very bad schools with bad facilities in another place. He asked the question why. Why is this? Well, it was because if you happened to be born and raised in Fairfax County, for example, where there is a high income level and very high property taxes, you get great schools. If you are born and raised in Bedford-Stuyvesant, or in inner city south Los Angeles, or in some rural areas of Iowa or Missouri or Oklahoma, Kansas, chances are you got very low property taxes and you got poor schools.

So he asked the question, and then I asked the question: Why should where you are born, the circumstances of your birth and where you are raised, why should that be determinative of the quality of the physical school you have? Why should that determine it? That is the savage inequality of our educational system.

Well, I began thinking about this some years ago on how we would kind of right this system, how we would tend to solve this imbalance, on the one hand by not interfering with the genius of the American school system, which is, who is hired and who is fired, who teaches, what they teach, the textbooks, all that, how do we not interfere with that, but at the same time try to balance these savage inequalities.

Then one day it occurred to me. I was walking out of my office one day. This

is many years ago, back in the late eighties. And I have on my wall, right by the door that goes out of my office, a framed piece of paper. It is a little orange card. It has always been there. I have always kept it there to remind me of something. It is my father's WPA card, when he worked on the WPA in the 1930s.

It occurred to me that when I was a teenager, my father took me to visit Lake Ahquabi, which is a lake south of Des Moines, which is now still being used as a recreational lake. They built that; still being used today.

He took me to visit a high school, Cornerstone, WPA, 1940, that he had worked on; still being used today. I dare say there are schools all over America that are still being used, built by the WPA. Finally it occurred to me that perhaps one role the Federal Government could take in helping to balance these savage inequalities of rich areas versus poor areas in terms of the quality of the school facilities is to be involved in modernizing and building new schools and getting the technology into these schools. That way you do not interfere with who is hired, who is fired, what is taught, what textbooks to buy. You are only helping to build new schools. We did that in the 1930s and we have been using a lot of these schools ever since.

So I might add, as an aside, that when I sought the nomination of my party for President in 1991 and 1992, this was one of my platforms. I talked about the need to invest in the infrastructure. I called it the blueprint for America. On my document I had a picture of a blueprint. Part of it was building and remodernizing schools through the Federal taxing system, rather than relying on property taxes.

Well, I didn't win the Presidency, obviously, but I continued in that endeavor. I could not quite get it through, although we did have 1 year finally we got it through. In 2000, the last year of the Clinton administration, we got \$1 billion for a national program of modernizing and helping to modernize schools. That was reduced down to about \$800 million. It went out 1 year. The next year President Bush came in and the program got ended. So we did have 1 year of it and, quite frankly, that 1 year, that money went out quite well and did a lot of innovative, good things with schools all over America.

Since I could not get the Federal Government to do this in the broader basis, I decided to see what would happen in my State of Iowa if we started doing this, what would happen, how would this work. So since 1998, I have been fortunate to secure funding for my State's schools in this regard.

The actual allocations are funds are not made by me, they are made by the Iowa Department of Education, which undertakes a grant competition to select the most worthy and needy school districts that receive these grants for a range of renovation and repair efforts.

There are kinds of pots. One pot is for fire and safety, which requires no match. The other is for building and renovation which does require a local match.

Now, I might say that since 1998 this Federal funding has leveraged public and private funding so the dollars that have gone out there have multiplied tremendously. I think my colleague called the funding unfair and wrong. He believes it is unfair that Iowa's schools receive funding while children elsewhere in the United States are forced to learn in antiquated, crumbling school buildings.

Well, I agree with my friend from Oklahoma. He is correct in one respect. There is indeed a persistent and unfair disparity in the quality of schools across the country, the savage inequalities, I just mentioned. Jonathan Kozol wrote the book about it in the 1980s.

In fact, for the last several years, local spending on school facilities in affluent communities is almost twice as high as in our poorest communities.

So I ask the question again, why should the circumstances of your birth, where you are born and where you are raised, determine the quality of the school you go to? Why should it? So we tried to alleviate this imbalance. Sure, you want every State in the Nation to have this. As I said to my friend from Oklahoma, he may not have heard this, in this year 2000, we did get it through for every State. But that was only 1 year, and then in 2001 the Bush administration came in and stopped it. But in that 1 year, it did go out.

Now, again, and most recently in the stimulus bill, in the American Recovery and Reinvestment Act, we did in the Senate put in \$16 billion for school construction and renovation to go out all over America. I was happy about that. I thought this was something that would put people to work, stimulate the economy and build schools for our kids, get new technology into our schools.

Well, because of opposition on that side, that was stricken from the bill. In the conference it was stricken. So, again, I do not mean to have this only for Iowa, I would love to do this for the entire United States.

So again, if I could not do it there, at least I wanted to see what would happen in the State of Iowa. And I can tell you that over the years, each Federal dollar that has gone into my State for this has leveraged an additional \$5-plus additional from public and private sources.

How does that happen? Well, a lot of times school districts would try to pass a bond issue. They could not pass it to renovate or something, because they are poor people, you know, and this means raising property taxes. We have a lot of elderly in Iowa. Raising property taxes is hard when they are on a fixed income.

So they don't vote for the bond issues. All of a sudden they applied for one of these competitive grants to the

Department of Education in the State of Iowa. The State of Iowa gave them a grant, but they had to match. Guess what happened. They passed the bond issue and built new schools. It has leveraged private involvement, people with businesses, endowments, and even individuals who have come forward to put money into local schools because they had this grant.

I ask unanimous consent to print in the RECORD some letters I received. One is from Paula Vincent, superintendent of the Clear Creek Amana School District. She points out that receipt of a school construction grant was instrumental in her district passing a \$2.5 million bond referendum to build two new schools. Prior to receiving the grant, her district did not have a history of passing bond referendums for school improvement. Not only did this bond referendum pass on the first vote, but it broke records for voter turnout and has led to additional support for school infrastructure from surrounding communities. She estimates that an initial \$100,000 grant led to an additional \$28 million in local funding to improve school buildings. That is way over 5 to 1. That may be an anomaly, but that is what she says happened in their area.

I have other letters from individuals on these grants and what it has done.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLEAR CREEK AMANA  
COMMUNITY SCHOOL DISTRICT,  
*Oxford, IA, March 3, 2009.*

Hon. TOM HARKIN,  
*First Ave. NE,  
Cedar Rapids, IA.*

DEAR SENATOR HARKIN, Thank you for your continual advocacy for facility construction and renovation. As you know, Clear Creek Amana was fortunate to receive one of the Iowa Demonstration Construction Grants to aid in the construction of a new elementary school.

This half million dollar Harkin grant was helpful to our district in successfully passing a twenty-five and a half million dollar general obligation bond referendum to build two new schools. In Iowa, school districts must receive a super majority, sixty percent approval, to pass any bond issues. Our community did not have a history of passing bond referendums for school improvement prior to this latest attempt and had never passed a bond referendum on the first vote. Not only did the community approve the bond referendum on the first vote, but also broke previous voter turnout records. The federal support was one of the factors members of our community listed as a reason they voted in favor of the proposed bond referendum.

The positive success of the bond referendum led to additional community support from cities within the school district boundaries. For example, the City of North Liberty provided land for the new elementary school, street and utility access to the construction site and an additional half million dollars toward the construction of the new elementary school. Likewise, the city of Tiffin and the Iowa Department of Transportation are partnering with the district to widen the highway leading to the new high school. Using conservative estimates, the half million dollars of federal support leveraged an additional twenty-eight million dol-

lars to improve the school facilities within the Clear Creek Amana District.

Having resources to construct new buildings allowed us to take advantage of the latest information regarding excellent school design. With the assistance of our architects and engineers and the cooperation of students, staff and community members we are confident that our new schools will provide improved learning environments for CCA students and staff. A few of our design features include: increased student and staff access to technology; updated science labs and equipment; flexible teaching and learning spaces with planned areas for small and large group instruction; common areas for teacher teams to plan, and study together; shared school and community spaces such as pre-school, library/media center, physical fitness areas, before and after school space and shared gym space; and added safety features such as controlled building access with limited exterior door entry points, electronic door controls and sprinkler systems.

Again, federal support through the school construction grants played a key role in making these improvements to the overall safety and quality of the learning environment in our schools possible.

Federal school construction dollars also have a positive impact on environmental concerns. We were able to incorporate multiple energy saving features into the design of the new buildings by participation in the Commercial New Construction Program provided by the Weidt Group, Minnetonka, Minnesota, and funded by the local utility companies.

The benefits of building an energy efficient building include a cash rebate from the utility companies of about \$250,000 as well as lower operational costs for the lifetime of the new buildings. Many of the selected energy strategies also contribute to the quality of the learning environment (natural lighting, temperature controls in each classroom). We believe these energy-efficient strategies add significant investment value to the buildings and minimize many negative environmental impacts typically caused by new construction.

We have experienced a significant benefit from a modest federal investment in school infrastructure. We have every reason to believe our students will benefit from the improved learning environment in our new schools and we expect we will see some of this benefit in higher student achievement. Higher achievement by our nation's children ultimately translates to a brighter future for all of us when these children take their place as contributing members of the workforce and of the educated citizenry essential for a democratic society.

Thank you for your work in including school infrastructure support in Federal legislation.

Sincerely,

PAULA VINCENT,  
*Superintendent.*

CORNING COMMUNITY SCHOOLS,  
*Corning, IA, March 3, 2009.*

Senator TOM HARKIN,  
*Hart Senate Office Building,  
Washington, DC.*

DEAR SENATOR HARKIN, With all due respect, I would like to express my concern about an amendment that has been offered to eliminate the Harkin Fire Safety Grants. I am the superintendent of Corning Community Schools in southwest Iowa. Our school is located in Adams County which is one of the poorest areas, of not only our state, but of the country. Our local patrons are willing, but unable, to raise enough funds to maintain our school facilities which were built in the 1930s. It is only through the Harkin Fire

Safety Grants that we are able to keep our facilities open and provide a safe environment for our children to work and play in. The Harkin grants have allowed us to make our buildings handicapped accessible, so all children are given equal opportunity to attend classes on the second and third floor of our facility. The Harkin grants have created an equal playing field so the children of our district have the same safe environments as wealthier districts. The Harkin Fire Safety Grants have provided handicapped doors, fire alarm systems, warning devices, and fire safe doors. Without these funds our school would have been closed down and children would have been forced to travel long distances to other schools.

I truly applaud your efforts in providing these funds for schools. Considering all of the foolish ways the government spends money, I can't believe that anyone would want to end this program. The Harkin Fire Safety Grants provide funds that are making a difference in the lives of children. What could be better? I encourage you to continue the good fight for the poor people of Iowa. I encourage you to continue to fight the shifting of funds to "bail-out" private businesses at the expense of our children and the future of this great nation. If there is anything I can do to help preserve these funds, please let me know. On behalf of the Corning Community School District, the patrons of Adams County, and most of all the children of our district, we thank you for these funds.

Respectfully,

MIKE WELLS,  
*Superintendent.*

DES MOINES PUBLIC SCHOOL SYSTEM,  
*Des Moines, IA, March 3, 2009.*

DEAR SENATOR HARKIN, As a member of the Des Moines School Board I would like to thank you for all the work you have done to enable our school system to receive Harkin Grants. Without them our urban school district would be lagging behind in both infrastructure and fire safety needs.

The Des Moines Public School System is an urban school district with a free and reduced lunch rate above 50 percent. We have received a total of 8 Harkin Grants in the amount of \$4.275 million dollars. We have used the Harkin Grants in a number of our buildings. For example, we have been able to use the infrastructure portion of the Harkin Grants to add to our renovations at Moulton School, Capitol View Elementary and Carver Elementary. All three of these schools have a free and reduced lunch rate over 79 percent. The Harkin Grants have helped to bring 21st century buildings to students of all economic backgrounds. Harkin Grants have also been used to help Des Moines East High School with its renovation expansion to meet the needs of its urban population. We have also received Harkin Grants for renovations at one of our downtown schools. Without this funding our urban school district would be lagging behind our suburban counterparts.

Our nearly 30,000 students have also become safer at school through the fire safety component of the Harkin Grants. That portion has been instrumental in allowing us to keep our children safer in a school district that does not have the resources of many suburban schools. They have helped to bring our buildings to a superior level of safety.

In conclusion, as a board member of the Des Moines Public School System, I would like you to know how important your Harkin Grants have been in renovating some of our high poverty schools and in keeping all our students safe. Programs like the Harkin Grants have helped us immensely. You will never know how much these grants mean to

an urban system like the Des Moines Public Schools.

Gratefully yours,

PATTY J. LINK,  
*Director, Board of Education.*

Mr. HARKIN. Rather than trying to deprive the schoolchildren in Iowa of this funding, I encourage the Senator from Oklahoma to extend this program to his own State and to all other States and the District of Columbia. In the coming weeks, I will reintroduce the Public School Repair and Renovation Act, which I have been introducing for some time, which would create a competitive grant program for schools across America to receive funds to repair and renovate school facilities based upon the successful program we have had in Iowa. Were some mistakes made in the beginning? Yes. But the Department of Education, over the last 10 years, has figured out how to do this, how to separate the two pots—one for fire and safety with no match requirements, one for buildings and innovation requiring a match—and then taking in the proposals on a competitive basis and deciding where the money should go. I encourage the Senator from Oklahoma to support this bill. I ask him to be an original cosponsor to get this out to schools all over the country.

Now let me also talk about the \$1.8 million I secured in this bill for research into swine odor and manure management. That always brings a smile to everyone's face. David Letterman will be talking about it and Jay Leno will be talking about it, \$1.8 million to study why pigs smell. I suppose that is the way they will couch it. We all know how the game is played. Critics will take something such as this with a funny sounding name or purpose, hold it up for ridicule. For some reason, especially outside rural America, the very word "manure" seems to be cause for laughter and levity and jokes. In farm country, manure and odor management are profoundly serious challenges that can be mitigated through scientific research. I urge the Senator to visit farms in his own State. Ask his own farmers and neighbors about whether it is worthwhile to conduct research into animal odor and manure management.

If I am not mistaken—and I may be—I believe the attorney general of Oklahoma, a few years ago, brought an action against the neighboring State of Arkansas in terms of some of the effluent coming into Oklahoma and this raised questions of manure management and how it is put on the land and such. That is what this research is about. Some people living in rural America are concerned about livestock agriculture and its environmental impacts. So it makes good sense to fund research that addresses how rural communities and livestock agriculture can coexist.

I wish to point out this item did not originate as a congressionally directed earmark. This research unit of the Ag-

riculture Research Service originated administratively within the U.S. Department of Agriculture to conduct scientific research to address significant challenges facing livestock agriculture. This item is only included as an earmark now because the last Bush budget proposed to terminate a number of ongoing agricultural research projects in order to come in at a lower funding level, knowing full well this needed research would likely be restored by Congress, which is what we are doing. But it didn't originate here in Congress. It originated administratively.

Let me also point out to the Senator from Oklahoma, this is not a project for the State of Iowa. It provides funding for the Agricultural Research Service which is the main in-house research arm of the U.S. Department of Agriculture. The mission of ARS is "to find solutions to agricultural problems that affect Americans every day from field to table."

One might say the money is going out to ARS in Iowa. That is because that is where they do the research. If ARS was doing research on peanuts, they would probably be doing it at an ARS research facility in Georgia. If they were doing it on cotton, they would be doing it in Mississippi or someplace not in Iowa. So why are they doing it in Iowa? Because one-fourth of all the hogs in America are produced in my State. We are the No. 1 producer of pork, and we are very proud of it. The pork industry is critical to our State's economy. But as the demand has grown for pork and as we produce more pork, one can understand that the management problems of what to do with the waste has become very serious, not only for the odor problems but for the waste itself.

At any given day, we have 20 million hogs living in Iowa. Think about it, 20 million. A lot of farmers use the the manure from hogs as fertilizer. The Department of Agriculture, soil scientists, and others have encouraged that. But there can be odor problems and other environmental impacts. So that is what this research seeks to resolve. It looks at improving nutrient or feed efficiency in swine. This research would help the livestock industry make better use of co-products from the production of biofuels, which is a growing industry in our State and the Nation. Quite frankly, we can't feed the byproducts to swine like we can cows. They are not a ruminant animal. But this research is looking at how to improve those byproducts for swine—everything from the feed to the byproducts and odor—to improve the quality of life for those who live in rural areas. We have had swine odor and manure management challenges in my State. And not only in Iowa; as chairman of the Agriculture Committee, I have visited North Carolina and have witnessed the same issues there too. So how do we alleviate this? How do we make it possible for a very good industry, the swine industry, to meet the demand

and at the same time be good neighbors and do it in an environmentally sound way? That is what this money is for. The research doesn't only help Iowa it helps all across the country because it is research conducted by the Agricultural Research Service. They are doing it in Iowa because that is where most of the hogs are. Congress didn't originate it here. It originated with the administration.

A lot of States share the same problem we do with odor and waste problems. I suppose we will hear a lot of jokes on David Letterman and Jay Leno. A lot of other people will be making jokes about this money for manure. Keep in mind, this is not wasteful or unnecessary or frivolous. This is very important to the daily lives of the people of my State and every other place where we raise swine.

I appreciate this opportunity to share with my colleagues my reasons for including these two items in the Omnibus appropriations bill. I stand here and say, unequivocally, I am proud of both of them. I believe the effort to remove them from the bill is misguided. I urge colleagues to vote against the Coburn amendment.

I yield the floor.

THE PRESIDING OFFICER (Mrs. HAGAN). The Senator from Oklahoma.

Mr. COBURN. Madam President, it is interesting, the first of the Senator's remarks had to do with the Constitution. He conveniently skipped over article I, section 8, and went straight to article I, section 9. If you read what Madison and the Founders wrote about article I, section 9, they had a very limited scope for what we ought to be doing. As a matter of fact, the trouble we find ourselves in today is because we have abandoned the enumerated powers of the Constitution. We have excused them and we have said: We should fund it all.

As far as education, Federal funds fund 20 percent of education but 80 percent of the problems. If you think our schools are successful, look at our scores compared to everywhere else in the world. Our scores started going down when the Federal Government started getting involved in education, not prior.

The other assumption is, you have to have a great building to have a great education. That is absolutely wrong. Education is based on the incentive of the children, the quality of the teacher, and the control of discipline. You can teach as well in a Quonset hut as you can the most modern school, if you have motivated kids, great teachers, and great control of the classroom.

The purpose for trying to eliminate these earmarks isn't necessarily that they are wrong. They are truly unauthorized, but that would be a totally different story if a group of peers had said these are priorities, but they haven't. The problem is, is it a priority now, when every penny you will use, whether it is the new school program you want me to cosign or the earmarks

you have in the bill today, is going to be borrowed from your grandchildren.

The very schools you are going to build in Iowa, that we are not going to build in the rest of the country, by leveraging Federal dollars are going to be charged to the kids of the kids who are there. They are going to pay for it. It is not about whether it is right or wrong; it is about whether it is a priority, whether we ought to be doing it now.

The Agricultural Research Service is a fine organization. Every time we need money for agriculture, we steal money from the Agricultural Research Service. There is nothing wrong with studying manure and its application as both a fertilizer, soil enhancer, and other things. There is nothing wrong with studying the other aspect of the odor. We slaughter 10,000 hogs a day in one plant in Oklahoma. I know exactly what it smells like. I have traveled every farm area in my State. As a matter of fact, to me a lot of it smells pretty good compared to what you smell in the cities. But the fact is, is it a priority that we spend that money now?

The real problem we have isn't earmarks. It is two: One is, we give this document short shrift; No. 2, we have become parochialized. We forget what our oath was that we signed when we came in here, to uphold the Constitution, to do the right things for this country as a whole in the long term and do the best things we can for the future of the children who follow. But what we have turned into is what can we take home; how do we look good at home; how do we send Federal dollars home.

The reason the stimulus bill was bad is because we took the lack of fiscal discipline in this body and we transferred it to every State house in the country. Ask any Governor what is happening now that we have passed the stimulus. The hard choices will not be made in the States. So the future prospect for fiscal discipline in the States is now gone. The next time they have problems, they will be counting on us. We have now transferred our bad habit of being fiscally irresponsible to the States.

I think it is ridiculous that at this time in our Nation, when we are going to have a \$1.7 trillion deficit, we would spend the first penny on anything other than a necessity because when we have a \$1.6 trillion deficit, it is not just \$1.6 trillion, it is \$1.6 trillion we are going to borrow over the next 30 years, and we are going to be paying awfully high interest rates. It is not very long—2015—when we are going to be at 40 percent of the budget going to interest. There will not be a Harkin school program for Iowa in 2015 because there will not be any money. We will not be able to borrow any more money because the interest rates and the cost to borrow it will be too high because the rest of the world will doubt whether we can pay back the money.

So the prudence I am asking for in trying to eliminate some of the ear-

marks is to think about the long term rather than the short term, to think about what is best for our country in the long term, not what is best for us and how we look at home, and to do what is within the framework of the Constitution.

The final point I will make: Presidential earmarks ought to have exactly the same dealing as we do with congressional earmarks—get them authorized, put them in a list of priorities, and then fund them. But do not send an earmark to the floor that is not authorized by the Congress and the relevant committee it comes through.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I appreciate the engagement by my friend from Oklahoma on this issue. But I will point out, first of all, one little mistake I think the Senator might have made. The research for the ARS for the swine research is well within the authorization the Agriculture Committee provided in the farm bill. It is well within their purview. So it is not outside their purview whatsoever. Again, I say the reason we put it in there: It has been administratively asked for before, but the Bush administration in the last year did not include it because they wanted to cut down their request, knowing full well we would probably fund it, which we have done here. But I just wanted to point that out.

Interestingly, the Senator mentioned article I, section 8, of the Constitution. Article I, section 8, of the Constitution, I would point out, is very clear:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the Defense and general Welfare of the United States. . . .

To borrow money on the credit of the United States; . . . .

Et cetera, et cetera.

Well, Congress—Congress, it says—has the power and authority to provide for the general welfare and to borrow money. I do not like to borrow money more than anyone else. But the Senator from Oklahoma said something about: Well, the money we are using to build these schools is borrowing from our grandchildren. I cannot think of a better thing to borrow from our grandchildren than to build better schools. As I pointed out, my father worked on WPA. I have his WPA card hanging on the wall of my office. They built schools all over America, schools which we are still using today. In fact, one of the Iowa Department of Education grants went to a middle school—it used to be a high school—it is a middle school that was built by WPA and had been in such disrepair, but the building itself was sound. They just had an old heating plant. Kids were getting sick. It was cold and drafty in the winter-time. They got a grant. They came in. They put in a new geothermal heating system. They put in double-paned windows. Here is a school built by WPA in

1939 and, with just a little bit more money, today is going to be used for another 50 more years for kids. So I say, if we are going to borrow from our grandchildren, let's build them better schools so the kids today will be better educated and will make more money and so our grandchildren will be better off.

Lastly, my friend from Oklahoma says that better buildings do not lead to better schools. He said: You could learn in Quonset huts, you could have a better education in a Quonset hut, I guess, than in some of our better schools. Well, I do not know how to respond to that. If you have a Quonset hut, are you going to have the up-to-date, latest technology in terms of the Internet? Probably not. Are you going to have up-to-date technology in terms of a science lab? Probably not. Physics lab? Probably not. Biology lab? Probably not. So what kind of education are you going to get in that Quonset hut? If we are sending our kids to school in Quonset huts, what are we telling them about how we value education? I dare say the nicest things that our kids should see in their daily lives ought to be where they go to school. They ought to be the brightest, the best lit, the best built, with the latest technology, with the best teachers and the best material. Then we are saying to our kids: Here is what we value.

So I could not disagree more with my friend from Oklahoma that kids will learn as well in a Quonset hut as they can in a nice building. All you have to do is look at the test scores of kids from schools that are in areas where they have high property taxes, a lot of wealth. Just look at those test scores and look at the scores of the kids who come from your poverty areas and rural areas. I do not mean just inner city but rural poverty areas. Look at their test scores. That will tell you something right there. Why? They cannot afford to hire the best teachers. They cannot afford to pay more for their teachers. They cannot afford to have the best laboratory and equipment and Internet technology for our kids.

So I could not disagree more with my friend from Oklahoma. I believe one of the most important things we can do in the Federal Government is to provide funds for the building and rebuilding and modernization of our schools all over America. As I said, I am sorry we are not doing it nationwide. We tried, and we will try again. But it is the one way we can help our local property taxpayers, help our kids—not interfere with what they are taught or how they are taught or what teachers they hire or what books they use. Let's take a page from what we did in the 1930s. Let's do it again. Let's build more schools all over America and make them modern and up to date for our kids so our grandkids will have a better life.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

## AMENDMENT NO. 610

Mr. LEVIN. Madam President, amendment No. 610 would strike from the bill funding for a number of projects. One of the projects which would be stricken is funding which I requested for the redevelopment of part of old Tiger Stadium and its ballfield. It is in an economically distressed area of Detroit called Corktown. I support funding of this project from the Economic Development Initiatives account. The purpose of that account is for projects such as this.

Historically, old ballparks have been demolished after Major League teams move out. Members of the community in Detroit, where I live, recognized the economic development value in old Tiger Stadium and its ballfield, so they formed a nonprofit organization called the Old Tiger Stadium Conservancy to help preserve a piece of this part of Detroit and its baseball history and to help revitalize the economy of downtown Detroit, because this is very close to the downtown in an area called Corktown.

The conservancy has been working with the city, which owns the stadium. This is a stadium owned by the city of Detroit. They worked on a plan to preserve part of this stadium—the original part of the stadium, which had been called Navin Field 140 years ago—and to do this for a number of purposes; mainly, so that youth leagues would be playing on that field.

That field and that piece of the stadium are a huge magnet for economic development. So to preserve that field—that field of dreams—and to redevelop that part of the stadium's structure and the adjacent land and to use the adjacent land for retail shops, restaurants, and other commercial and entertainment attractions will bring economic activity into a distressed neighborhood and into the city of Detroit.

Now, it was said yesterday, I believe, that it did not make sense for this fund to preserve an old stadium we are not going to do anything with. That is just simply not accurate. There is huge interest by developers in this old piece of Tiger Stadium and the field it is part of. Part of this old stadium has been demolished, demolished by the city, so what is left is a piece of this stadium, essentially between first and third base. This field and this piece of the stadium is nothing short of an anchor for the economic development project that will bring much needed jobs to a part of the city that desperately needs them. The conservancy has already received a number of letters of interest from local organizations and financial institutions expressing the desire to participate in the redevelopment, to bring commercial operations into the remaining stadium structure and the neighborhood area.

For too many years, economic development in this area has been stymied because of the unpredictable status of what was to happen to this property at

the corner of Michigan and Trumbull, right near downtown Detroit. So there is now a new excitement, not only for the expectation of sports activities on the field, where youth teams will come and play, but also for the adjacent commercial retail, sports training programs, and other activities that will be attracted to the site.

According to the Housing and Community Development Act of 1974, the Economic Development Initiatives account, which this is part of, will benefit persons of low- and moderate-income and may be used for a number of purposes, including the restoration and preservation of historic properties and for economic development to improve the use of land for residential, commercial, industrial, recreational, and other needed activity centers. This project is what the 1974 act had in mind because it reuses part of a historic structure which has been sitting vacant for a decade and maintains its historic field as a recreational and commercial center of economic growth in a low- to moderate-income neighborhood in the city of Detroit.

So I hope this amendment will be defeated. This is an expenditure that comes from an important fund called the Economic Development Initiatives account. That fund is going to be spent in any event, and I can think of a few other things which also should come out of that account, but this is surely one of them. I hope this amendment is defeated and these funds are retained.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I rise to speak in support of funding in this bill for the American Lighthouse Foundation. This allocation was recommended to the Appropriations Committee by Senator SNOWE and by me. Now, I can understand why those who are unfamiliar with this program might view this as an easy target. That is why I have come to the floor to explain to my colleagues, who may not be familiar with this program, why it is important and why it warrants Federal support.

The nonprofit American Lighthouse Foundation in Rockland, ME, partners with the U.S. Coast Guard to protect, restore, and preserve federally owned historic lighthouse properties. Let me repeat that. These are federally owned, and I wonder if the sponsor of this amendment understands that is the case.

The Coast Guard leases lighthouses to the American Lighthouse Foundation in an effort to help support restoration because the foundation raises private funds that help to relieve some of the burden that otherwise would fall on the American taxpayer.

The three Maine lighthouses that will directly benefit from that funding—Owls Head, Pemaquid Point, and Wood Island—are maintained by the U.S. Coast Guard as active aids to navigation. Let me repeat that point.

These are active aids to navigation. The Presiding Officer knows how important that is. These lighthouses perform a vital function for Maine's lobster and fishing industries, as well as for commercial shipping and recreational boaters. They are critical active navigation aids.

I would also note the American Lighthouse appropriation is a direct investment in Federal property, a responsibility that dates to 1789 when the first Congress extended Federal funding to lighthouses. This isn't new. This isn't something the Senators from Maine dreamed up when we were trying to come up with worthy projects. This goes back to the beginning days of our Republic.

By working in partnership with the Coast Guard, the foundation has been able to raise funds from the private sector. Over the past decade, the foundation has invested more than \$2 million in restoring lighthouses throughout New England, and in the process, saved the Federal Government much money by improving these sites with private sector dollars. So this is a wonderful public-private partnership. It is the kind of partnership we in Congress like to see and that we promote.

So, again, let me make three points I have to believe that the sponsor of this amendment was not fully aware of: First, that these lighthouses are federally owned; they are Federal property. Second, they house within them active aids to navigation maintained by the Coast Guard—the lights, the horn. These active aids to navigation are used by our fishing industry, our lobstermen, by commercial shippers, by recreational boaters. These are active lighthouses. Third, this is a public-private partnership. The foundation raises millions of dollars from private sources to help restore these lighthouses that contain aids to navigation used by the Coast Guard. Thus, the burden is shifted from the Federal Government to the private sector, and that is extremely helpful.

So I think this is a great example of why it is important that those of us who are sponsoring this funding come to the floor and explain it. I think when that is done, it casts a whole new light on the purpose of this funding and why it deserves Federal support.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

## AMENDMENT NO. 623

Mr. INOUE. Madam President, I wish to speak on amendment No. 623, an amendment submitted by the Senator from Oklahoma, because it is most troubling for several reasons.

First, this amendment presumes guilt without the benefit of the full legal process. Second, it presumes that the 14 clients actively or knowingly participated in the alleged activities of the firm without any evidence to support that assumption. Third, the amendment will punish the clients for having funds allocated to their projects

without any knowledge of wrongdoing. Fourth, it makes the assumption that Members requested these projects because of ties to the lobbying firm rather than because these projects addressed the needs of their constituents.

The last thing we in this body should do on matters such as this is rush to judgment. Yes, we know the firm was raided by the FBI, and we also know the firm is in the process of being disbanded, but we also know no one from the firm has been convicted of any crime. In fact, as far as we know, no one has even been indicted for a crime. Further, there is nothing to suggest that the clients themselves are being investigated, much less guilty of some Federal offense. There has been absolutely no indication by anyone involved in the actual investigation that any of the clients of the PMA firm were involved in any illicit activity.

Under our legal system, everyone is presumed innocent until proven guilty, but under this amendment we will presume such guilt. We will presume guilt even of those who are not under investigation. It is not the responsibility of the Senate to presume guilt. That determination should be left to the courts based on evidence presented by Federal investigators.

Our "evidence," however, is based on press reports. But even in this most questionable evidence, there has been no assertion that the clients were involved in any type of criminal activity and certainly none has been accused of any wrongdoing. Nonetheless, the amendment would deny funding for projects included in this bill by Members of the House and the Senate. The projects were approved by the relevant subcommittees and displayed publicly on the Internet.

Rather than assuming guilt, what we should assume is that Members who asked for these projects did so because they believe they will serve the needs of their constituents. We have no information that indicates that funds were recommended for these programs because of the efforts of any lobbying firm. We can't even say with certainty the funds were included at the behest of this particular lobbying firm. I would point out that the Senator from Oklahoma must also not be so sure since he has modified his amendment to remove one of the projects which he originally had on his list.

Are we seriously considering voting to cut funds for projects because we think they might—they might—have been related to a firm which is under investigation, even though the projects' advocates are not under investigation?

As do many of my colleagues, I meet with lobbyists every year—dozens of them. They seek hundreds of millions of dollars in earmarks in appropriations bills. I am not the only Member in this situation. Incidentally, the firm is not a Hawaiian firm, although the projects involved are Hawaiian. For the most part, the lobbyists with whom I

meet request funds for projects pertaining to my State of Hawaii. But as do most Members of Congress, I seek funding only for ones which I believe will have the greatest benefit for my State and for its citizens and which hold the greatest promise for achieving a larger national objective. This is what we were elected to do—to serve our constituents.

Why do we presume guilt in this instance instead of innocence? Why do we assume wrongdoing by clients because they hired this lobbying firm? Why should we assume Members requested funds because of the efforts of the lobbying firm instead of the merits of the programs?

I can't speak personally of any of these projects because most of them were included by the House and agreed to by our subcommittees, but I do believe most Members act responsibly. I, for one, am willing to give the Members who sponsored these projects the benefit of the doubt that they did so because they believe the projects were meritorious and worthy of their support. I am not willing to presume our Members are guilty of wrongdoing because their constituents hired some lobbyist who might—and I emphasize the word "might"—have been engaged in some illegal activity.

Do any of us seriously believe the Members who sponsored these programs in their States and districts did so for any reason other than it benefited their constituents or they believed in the work the clients are engaged in? For every Duke Cunningham willing to trade earmarks for cash, there are 534 other Congressmen and Senators who would never think of doing such a thing. I do not believe we should impugn the motives of the Members who sponsored these earmarks, and I can think of no reason to do so.

I recognize this is what we call a tough vote. Many Members might wish to vote in favor of this amendment because they fear the news spot that says they supported crooked earmarks. But my colleagues should understand if we don't stand up for this institution—the Senate—and its Members, no one else will. We should all recognize the next time this could be your earmark or mine. You could be the one standing on the Senate floor forced to defend yourself because someone is accused of wrongdoing, even though that matter is completely unrelated to your behavior.

This is actually a simple matter. There is no evidence to support wrongdoing by the Members involved. There is no evidence to suggest these projects are not meritorious. There is no evidence to suggest the clients who engaged in these projects did anything wrong.

Finally, we cannot be certain anyone engaged in any wrongdoing. This amendment sets a course down a slippery slope that is unnecessary. Federal laws already provide remedies to re-

coup funds depending on the circumstances if our legal system determines laws were broken. Funds can be rescinded and improper payments can be recovered by the agencies involved.

Finally, the agencies have their own rules and regulations to follow if they believe there is any impropriety involved. We should allow the legal process to work and then assess an appropriate response based on the results. We should not convict the clients and Members and enact punishment before we even know whether a crime has been committed. Therefore, I urge my colleagues to oppose this unfair amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request?

Mr. INOUE. I am sorry. Yes, I withhold.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWBACK. Madam President, I thank my colleague from Hawaii, with whom I have had the great pleasure of serving in this body, for withholding that request.

I come to the Senate floor today to address the Omnibus appropriations bill, as well as to address one of the major needs of a major industry in our State.

I would ask my colleagues to think about this for a second: If there was a business in the United States they knew about that contributed annually around \$150 billion to the U.S. economy; employed 1.2 million people, mostly in the manufacturing sector of the economy; is a major export driver with 40 percent of their production—40 percent of this \$150 billion going to overseas sales, contributing to the economy, contributing as a multiplier, and a significant multiplier—to the economy, I think most people would say: What is the business and how do we support it? How do we move it on forward in these tough economic times, if the business is having a great deal of difficulty? The one major thing they are asking from the Government now is not to badmouth them, not to talk them down. It is to be positive about this business instead of being down. So of all the businesses we have coming to us asking for money, for support and grants and these sorts of things, we have one that is a major industry, an exporter, and a major manufacturer. They want us not to badmouth them anymore. We should be able to comply with that request, and we ought to.

I am talking about the general aviation industry, which is this \$150 billion industry, flying 1.2 million people, primarily in the manufacturing sector. It is a major exporter that is growing but is having enormous difficulty in this economic and global climate because so much export was going overseas. Federal officials are making fun and saying people should not fly on these business aircraft; they should not use these things. They are making it a matter of derision.

The industry is simply asking us not to do that; help us out, don't talk us down, don't hurt us. The industry is appreciative of the bonus depreciation that was put in the stimulus package, and I am also appreciative of that. I hope it can help. It doesn't help when the President and others say people are disappearing on private jets and flying around the country.

I think it is helpful to present a few facts on the actual situation and say who actually uses business aircraft and where they go. Eighty-six percent of the passengers on business aircraft are not company senior officials but instead are mostly midlevel employees, including salespeople, engineers, and other technical specialists. These companies have operations in a number of different places. They can't get into convenient commercial airports, and they use business aircraft to get these people back and forth between various sites very efficiently.

A lot of my colleagues don't realize there are some 5,000 airports nationwide, but only 500 are served by commercial airlines. So 10 percent are served by commercial airlines and the other 90 percent are not. How do you get in and out of all the other 90 percent, other than by using business aircraft—whether it is propeller or jet? They are what ends up connecting a lot of people on a rapid basis throughout the country. That is important for people to realize. Without the use of a lot of business aircraft, you are going to have much more inefficiency in companies, a lot more difficulty getting people from point A to B.

In a lot of cases, you have emergency situations where you have business aircraft moving people who are very sick from one place to get them to a critical hospital; it gives them access. Behind all this and the numbers I am talking about, you have a bunch of people working for these companies.

I will show you some pictures of people in my State. I am proud of the work they do in business aircraft. This is King Air by Beechcraft. The assembly line is back here. I have been in these factories a number of times. It is an interesting and cool business. It is one a lot of places around the world are trying to steal from the United States. The Japanese, the Brazilians, and certainly the Chinese are trying to take this manufacturing business from the United States. We are the center of business aviation and of the construction of these planes for the world. As you might guess, it is a high-wage, high-skill manufacturing field. It is a great business. Consequently, you have a number of other competitors trying to break into this field at the same time our Government is talking down this business in the United States. The workers in my State who are making these great quality aircraft are saying: Just don't talk bad about us.

I have some other pictures I wish to show you of other people in this business. I want individuals to be able to

see this. Behind every discussion, you have the people who make the aircraft. Most people who see this aircraft probably say there is probably somebody well-to-do inside. But more likely it is an engineer, a salesperson or a technician. These are the people building it. This is a Hawker 4000. It is a great aircraft that came out. I will show another aircraft. These are made in Wichita, with a lot of suppliers from the entire region and the country that are going into making these aircraft. These are some of the volunteers, the employees working here, volunteering in the community and this is from the Christmas season and this is soccer. Here are some of their products. I will show another one as well, so people can get an idea of who all is involved in this picture. This is the rollout of an aircraft, a Cessna. This is the celebration of the rollout of the first Sovereign jet. You can see in the picture the people involved in this.

I hope my colleagues will take note that when they use a cheap shot to say we should not have these guys using business aircraft, 90 percent of your airports would not be accessible if people were not using these. These are experts getting to various operations. The corporations would be far less efficient, and they would lose the connection for people to be able to make it to medical services that are critical in some places in the country. There is a lot of good this business does, and it is a business dominated by the United States. We need to support it, not hurt it.

Finally, on an amendment I hope comes up on a separate issue in the omnibus bill, there is a sunset of the DC scholarship program. I raise the point to my colleagues that this has been a very successful program, with a strong support base from the people who are using it and a desire to continue to use it. I think we ought to continue it rather than sunset this particular program.

In the omnibus bill, the opportunity scholarship program is sunsetted unless there is reauthorization that takes place. Hopefully, that will occur this year, and reauthorization will occur.

Listen to who is participating in this program, and if it is sunsetted, who cannot continue to participate. The average annual income of the people participating was around \$22,800, far below the eligibility level for this program, which is 185 percent of the Federal poverty level or \$39,000. The actual number is \$22,736, and that is the average annual income of the people participating. Just over 1,700 students are participating in the program. They are trying to get into schools that are better for their kids because the DC Public Schools have not served them well.

The DC Public Schools' per pupil expenditure is the highest in the country at \$15,000. The DC class size is one of the lowest in the country; it is a 14-to-1 student to teacher ratio. Yet reading scores continue to languish near or at

the bottom of national assessment in the Nation. Recent data shows that 69 percent of fourth graders in the DC public schools are reading below basic levels. DC students ranked last in the Nation in both SAT and ACT scores. Forty-two percent of DC students drop out of school compared to 31 percent nationwide.

People fudge with figures and say it doesn't mean this or that, but what you have are 1,700-plus students who have opted to use a scholarship to get into a private school that they are very happy with, that they are performing well in, and that the parents are happy with, rather than the DC Public School System that, by and large, is not serving students well, and the longer you stay in that system, the poorer you are doing.

Most representatives, Congressmen and Senators, who have children and grandchildren in DC don't send their children to public schools. As a matter of fact, I don't know if anybody in this body does. Yet we consign people who don't have the income ability to get out of the DC public system into a school system that has failed students. A number of efforts are being made to change this system. I applaud the efforts by the mayor's office and the superintendent of schools, Michelle Rhee. But if you are in the system, these changes are taking time to make and you don't have time when you are going through the first, second, third, and fourth grades. Each year you are losing ground.

Here is a group of students who have found a way to get into a better situation. We should not take that away. It is wrong for us to take that away. I know they believe it is wrong to take that away. I urge my colleagues to not let this program be sunsetted but to re-establish it. I would like to see it expanded so more students could take advantage of it as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

AMENDMENT NO. 608

Mr. INOUE. Madam President, may I associate myself with the comments of the chair of the Commerce, State, Justice Subcommittee regarding the amendment proposing an earmark for the Emmett Till Unsolved Civil Rights Crime Act.

Make no mistake, no one in this Chamber is interested in denying funding to resolve unsolved civil rights cases—no one. But what we are interested in doing is passing this bill as quickly as possible, so that the Department of Justice has the necessary and adequate funding to pursue these cases.

This amendment slows down that process. This amendment earmarks \$10 million with existing funding for the Weed and Seed Program, which is an authorized competitive grant program under title I of the Omnibus Crime and Control and Safe Streets Act, which funds communitywide strategies to reduce violent crime, drug abuse, and gang activities.

This authorized program has nothing to do with resolving unsolved civil rights cases. Yet this amendment takes almost half the funding in one authorized program designed to combat violent crime and gang activities and earmarks it for a different program that already has millions in funding available for this effort.

I am confident this administration's Department of Justice will be using its resources to solve as many of these cases as possible.

The Department of Justice has at its disposal \$123 million provided for the Civil Rights Division, \$151 million in funding to reduce the backlog of untested DNA evidence, and \$30 million for State and local governments to investigate and prosecute civil rights violations.

These are just a few of the many authorized civil rights-related programs for which the subcommittee chair has provided increased funding for the fiscal year 2009.

The best way to fund initiatives of the Emmett Till Unsolved Civil Rights Crime Act is to pass this measure—the underlying measure—now and send it to the President for his signature. The amendment of the Senator from Oklahoma detracts from that effort, while providing no overall benefit.

I yield the floor and suggest the absence after quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I think it is a good time to take stock of where we are on this bill and to give my thoughts and feelings to my colleagues on why it is so important to get it done and move it swiftly.

The bill that is before us is unfinished business. It is an Omnibus appropriations bill that finishes up the funding for this year. The reason we are in this situation is for a variety of reasons, including an election, and the appropriations bills did not get done. Some of them did, but most of them did not get done. This bill wraps them up in a package, and here is where we are. We have two choices: Either we pass this bill the way it is or we go back to the continuing resolution which takes us back a year and a half ago.

It is very important for us to consider that point because a year and a half ago, life in America was very different. A year and a half ago, we were not in the jam we are in now economically. We did not see homes being lost at such a rapid rate. We did not see unemployment figures going into the double digits in some of our States, including California, which I am so proud to represent, my State. But it has over 10

percent unemployment at this time. If we go backward, as Senator MCCAIN is suggesting, and other colleagues, if we go backward to the continuing resolution approach where we ignore everything that has happened, then we have a budget for this year that is irrelevant in many aspects.

Why do I say that? In this particular omnibus bill—which I am sure has flaws, because nothing in life is perfect—we do address the housing crisis. In this omnibus bill, we do give the SEC, the Securities and Exchange Commission, the funding it needs to move against these Ponzi schemes and these frauds that are being perpetrated on the people. In this bill, we do more for education. We do more for health care. In this bill, we step up to the best of our ability to address some of these problems.

We know that if any of these amendments are adopted, it is going to weigh this bill down because the House has acted and said basically: This is last year's business; we don't want to get bogged down with it. Either take it or leave it. That is where we are.

As I have said often on this floor, we usually do not have a chance to get the perfect bill around here. It is very difficult to get the perfect bill, unless each of us wrote it his or her own way. Then it would be perfect for us.

Clearly, there are issues with this bill. But I want to say again, if you were sitting with your family and you went back to last year's budget and all of a sudden you realized that in the last 12 months, things had radically changed in your family—let's say you had a child who got sick with a terrible disease, let's say that your grandma had to go into a nursing home and she needed certain things—you would realize that last year's budget does not fit what your requirements are. You would have to address your child's health, your grandma's situation to be relevant for the year.

It doesn't always mean spending more money. I am not suggesting that at all. But this omnibus bill does respond to the needs of our people. Put that together with the stimulus bill, which is finally beginning to bear fruit out there—and I am excited about it because we are starting to see the funding flow to our States, we are starting to see people get back to work. Once we do this, it is another boost to the people of our great country.

These amendments that are coming at us at the end of the day, I believe many of them are meant to weigh this bill down, to take this bill off course. I am going to talk about a couple of those amendments.

Senator COBURN has an amendment for he says, the worst projects in the world—whatever he calls it. He is going after them. And one of those projects that he picks is one I was proud to get in here. So I want to talk about it because I am proud of it. The way Senator COBURN describes it, you wouldn't know what I did.

He says there is money in the bill for the Great Park in Orange County. But what he doesn't say is there is funding in here, and it is not that much funding compared to a lot of these items—\$475,000 to restore the El Toro Marine Corps Air Station hangar No. 244. This hangar was opened in 1943 to house aircraft during World War II. The hangar is being renovated. It is being turned into a military history museum and a welcoming center for the park.

This particular \$475,000 is not going for anything other than the renovation of this hangar to bring it back to life, to serve as a tribute to our veterans and to their military service. It will be on the site of what used to be a leading military installation on the west coast. Millions of U.S. military personnel during World War II, Korea, Vietnam, and the Cold War passed through El Toro. This base reuse project honors our military history and the service and the sacrifice of our military men and women.

This is not the first time my Republican friends have gone after veterans. I had another funding request. We were able to win that one, and we will win this one, too. I believe it. They were going after a program to help disabled veterans get back to a normal life. They actually did that. But we beat them then, and we will beat them now.

The hangar needs a number of repairs and upgrades to make it suitable for public use. This deals with the upgrade of electricity, fire safety systems. And 100 jobs will be created. Not bad. Mr. President, 100 jobs will be created through the rehab of this building, and another 10 to 20 full-time jobs will be created to staff the facility when it is built.

Here is the thing. Orange County, in which this particular project resides, is a Republican county. Registered Republicans outnumber registered Democrats by 235,000 voters, and they voted for this project 58 to 42 percent in an election where 500,000 votes were cast. Yet I have a Senator who comes on the floor and tries to say this is some frivolous, horrible project. I resent it, and so do the veterans resent it.

I ask unanimous consent to have printed in the RECORD a series of letters from veterans very concerned about Senator COBURN's amendment.

There being no objection, the material was ordered to be printed in the RECORD as follows:

MARCH 3, 2009.

Senator BARBARA BOXER and MEMBERS OF CONGRESS.

DEAR SENATOR, I am taking this opportunity to formally thank you for all the success Orange County has experienced with the redevelopment of the former Marine Corps Air Station El Toro. If you had not taken a leadership role in helping the Orange County voters decide the future of the surplus military property at El Toro, I am certain our aspirations for a Great Park at the site would not have materialized.

Now, as the Orange County Great Park Corporation's lead sponsor for the development of a heritage museum honoring the contributions of our community to the defense of this great country, I must seek your

support once again. In the creative scheme to preserve an in-tact 1943 vintage U.S. Marine Corps squadron area, including two logistics buildings and a squadron administration-headquarters facility, and a historic hangar (hangar #244) our corporation seeks federal funds to help defray renovation costs.

The veterans and civilian employees who worked, transited, or were stationed at MCAS El Toro would be the primary beneficiaries of your successful efforts. We will incorporate the restoration of the subject buildings into an education program for local students—least we allow history to be forgotten.

My heartfelt request comes to you not only from a retired U.S. Marine Corps aviator, citizen activist with a twenty year experience defending the voters rights to decide the former MCAS El Toro's final design and use, but, also from my experiences as a Director at the Orange County Great Park Corporation and as a Commissioner of the California State Parks and Recreation Commission.

Our heritage museum needs your resolute support at this critical point in time. Please present this message to your fellow member of Congress.

Respectfully,

WILLIAM GUSTAV  
KOGERMAN,  
*LtCol USMC (Ret); Director, Orange County Great Park Corporation; Commissioner, State Parks and Recreation Commission.*

MARCH 3, 2009.

Re: Renovation of Hangar #244 at MCAS El Toro.

MEMBERS OF CONGRESS: I have recently been informed that funding for the renovation of hangar 244 at the Great Park has been withdrawn. This is a travesty. MCAS El Toro once stood as an American symbol of freedom, providing a sense of security and an abundance of opportunity for surrounding communities. It would be a shame to allow the last remaining hangar standing at the Great Park to fall rather than serve as a reminder of the service this once great post served to the residents of Orange County and Southern California.

I strongly support the renovation of hangar #244.

JOHN ROTOLO,  
*GySgt USMC (Ret).*

Both while in the military and since, I have traveled abroad. As a nation, we have done very little relative to our European counterparts to preserve historic treasures. This persistent desire to upgrade and update leaves our society at a historical disadvantage. Our society quickly forgets our roots and those who have fought to preserve them. As a result, the patriotic nature of our society has been damaged because we've underfunded the preservation of sites such as Hanger #244.

This past January, I was in the UK and visited Winston Churchills' Museum and Cabinet War Rooms (<http://cur.iwm.org.uk/>). This is a fine example of how preserving historic military locations can communicate to the masses, the greatness of the military and its ability to produce such leadership. The people that I was with that day expressed great pride in their country, what they stood for and the military's accomplishments.

As a former Sergeant in the USMC stationed at MCAS Tustin, I had spent considerable time at MCAS El Toro. Geographically, I would suggest that MCAS El Toro's loca-

tion and ease of access is an ideal location for a historic landmark. I stand behind your initiative to renovate hangar #244 at MCAS El Toro and wish that your funding returns with due speed.

Regards,

DAVE RISTOW,  
*Chief Financial Officer, KSS Retail*

LTCOL CLIFTON WALLACE USMC (RET),  
*Irvine, CA.*

Re: MCAS El Toro Hangar #244.

MEMBERS OF CONGRESS: I would like to publically add my emphatic support for the project to renovate Hangar 244 at the former Marine Corps Air Station El Toro, California now the Orange County Great Park. I served as a pilot at MCAS El Toro from 1977 until I retired from the Marine Corps in 1999 and feel it is extremely important that Hangar 244 be renovated and restored to its historical condition.

Hangar 244 is an original hangar from the 1940s and the last remaining historic hangar at the Great Park. It must be renovated and preserved to not only preserve the building but also the heritage of five decades of service to our nation's defense. The Great Park intends to build an aviation/heritage museum at the site and Hangar 244 will be a historic center piece for this new museum.

On October 2, 2008, the Orange County Great Park Corporation conducted an "El Toro Homecoming" event which honored veterans from World War II that were stationed at MCAS El Toro. Several hundred WWII veterans attended this historically important and emotional tribute conducted in Hangar 244 resulting in rich memories and moving stories by the men and women who served our nation during this time of great need. I strongly encourage support for the Hangar 244 renovation project and strongly request that funds for this project be restored.

Semper Fi,

CLIFTON WALLACE.

COL THOMAS Q. O'HARA USMCR (RET),  
*Lake Forest, CA.*

CEO Orange County Great Park,  
*Irvine, CA.*

SIR, I would like to express my wholehearted support for the renovation of hangar #244 at the former Marine Corps Air Station El Toro, CA now the Orange County Great Park. I served at MCAS El Toro in the 1960s, 1970s, 1980s, and 1990s and feel it extremely important that hangar #244, an original hangar from the 1940s, and the last remaining historic hangar at the Great Park be renovated and preserved to not only preserved the building but also the heritage that over five decades of service to our nation is represented by that last hangar. The Great Park intends to build an aviation/heritage museum at the site and hangar #244 will be a historic center piece for the new museum. I strongly encourage support for the renovation project and hope funds for this project are restored.

Semper Fi,

TOM O'HARA.

Mrs. BOXER. Mr. President, here is one letter. It is to Members of Congress signed "Semper Fi, Clifton Wallace." He is a retired marine. He says:

I'd like to publicly add my emphatic support for the project to renovate Hangar 244 at the former Marine Corps Station El Toro, California now the Orange County Great Park. I served as a pilot . . . from 1977 until I retired in 1999 and feel it is extremely important that Hangar 244 be renovated and restored to its historical condition.

Hangar 244 is an original hangar from the 1940s and the last remaining historic hangar at the Great Park. It must be renovated and preserved to not only preserve the building but also the heritage of five decades of service to our nation's defense. . . .

He says:

On October 2, 2008, the Orange County Great Park Corporation conducted an "El Toro Homecoming" event which honored veterans from World War II that were stationed at [this base]. Several hundred WWII veterans attended this historically important and emotional tribute conducted in Hangar 244 resulting in rich memories and moving stories by the men and women who served our nation during this time of great need. I strongly encourage support for the Hangar 244 renovation project and strongly request that the funds [be there].

That is one. And this goes on veteran after veteran. Senator COBURN comes to the floor and talks about the Great Park and the free balloon rides that the kids have there. What does that have to do with this line item that turns this hangar into a museum for those who put their life on the line? I will say, Senator COBURN has gotten them so riled up and so worked up and so upset. For what reason? None that I can see.

So here is a circumstance where we have a line item our veterans want. One of them talks about visiting Europe and saying how much more the Europeans have preserved these memories of their fighting men and women compared to our country and he begs Senators not to strip this out.

Here we have a circumstance where Senator COBURN is saying I have a line item that is about "the Great Park," but he does not say what the purpose of the line item is: to restore the hangar and turn it into a military museum and a visitor center to celebrate those who have given so much to our Nation.

Then we have another amendment by Senator MURKOWSKI. What she wants to do is go back to the bad old days of the Friday night midnight rules that the Bush administration took at the very end of their days here. The midnight rules were put in place and ran roughshod over the rights of the public to participate in the rulemaking process.

The language in the bill goes back to the status quo ante. In other words, it goes back to before the Bush administration issued its midnight rules.

On December 11, 2008, almost 35 years to the day after the Endangered Species Act became law, and after the Republicans lost the election, the Bush administration issued a midnight rule which allows Federal agencies to decide unilaterally that consultations with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service are not necessary when there is any type of development proposal. That midnight rule made a mockery of the process we are supposed to follow.

According to press reports, a Department of Interior e-mail indicated the Fish and Wildlife Service received 300,000 comments on the proposed rule. The agency reviewed 200,000 of these

comments in 32 hours. This is an average of 6,000 comments every hour. Let's face it, Mr. President, I don't care how many people you had looking at these comments, it is not possible that they could have reviewed the outcry from all over the country.

Now, who agrees with me? Dozens of groups. I am going to read some of the groups that said: No, don't do this. Yet they did it anyway:

The Audubon, American Rivers, Arizona Wilderness Coalition, Californians for Western Wilderness, Center for Biological Diversity, Defenders of Wildlife, Endangered Species Coalition, Friends of Red Rock Canyon, Friends of the Missouri Breaks Monument, Grand Canyon Wildlands Council, the Trust for Public Land, the Wilderness Society, Union of Concerned Scientists, World Wildlife Fund, Partnership for the National Trails System, Natural Resources Defense Council, Oregon Natural Desert Association, National Trust for Historic Preservation . . .

I am not reading them all, Mr. President, so I ask unanimous consent to have printed in the RECORD the entire list.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Audubon, American Rivers, Arizona Wilderness Coalition, Californians for Western Wilderness, Center for Biological Diversity, Cienega Watershed Partnership, Defenders of Wildlife, Earthjustice, Endangered Species Coalition, Friends of the Agua Fria National Monument, Friends of Red Rock Canyon, Friends of the Desert Mountains.

Friends of the Missouri Breaks Monument, Friends of the Sonoran Desert National Monument, Grand Canyon Wildlands Council, Grand Staircase Escalante Partners, Idaho Conservation League, International Dark-Sky Association, League of Conservation Voters, National Parks Conservation Association, National Trust for Historic Preservation, National Wildlife Federation, National Wildlife Refuge Association, Natural Resources Defense Council, Oregon Natural Desert Association.

Partnership for the National Trails System, Rincon Institute, San Juan Citizens Alliance, Scenic America, Sierra Club, Sky Island Alliance, Snake River Raptor Volunteers, Soda Mountain Wilderness Council, Southern Utah Wilderness Alliance, The Trust for Public Land, The Wilderness Society, Tuleyome, Union of Concerned Scientists, World Wildlife Fund.

Mrs. BOXER. Mr. President, you have the Bush administration, after they lost the election, take this step, not even looking at the peer-reviewed scientific evidence. The CRS—the Congressional Research Service—said there appears to be little additional protections by this act.

So they had two of these midnight rules. One dealt with the consultations they are supposed to have with environmental agencies before permits are given; the second one had to do with the polar bear. The Bush administration determined that the polar bear is a threatened species, and we all know, just from a little bit of reading or watching TV, that the polar bear is endangered or, I would say, certainly threatened because the ice habitat is melting literally under their feet. The Endangered Species Act applies to the

polar bear. Oh, no, the Bush administration said, we are going to deny key protections for the polar bear under the Endangered Species Act. So they unilaterally decided by a rule that the only thing that will apply to the polar bear is marine mammal protection, not the Endangered Species Act, and the Bush administration put in this special rule without any notice or comment. They simply decided they wanted to eliminate the ESA's protections for the polar bear, and once again they ran roughshod over the process.

So in this omnibus bill, this is all we do. We say let's go back to regular order. Let's go back to the status quo ante. Let's go back to the way it was before these midnight rules were passed. I am very disappointed we have to vote on this because I think it is a matter of common sense and pride in the place we work. We need to follow a process.

It has nothing to do with how one feels about the polar bear. Frankly, I am heartbroken when I see what is happening to the polar bear. Other people may not be moved by it, may not be touched by it. But it doesn't matter how one feels about the polar bear. What matters is that we stand for the laws we passed in this great country under Republican and Democratic administrations, and the Endangered Species Act was one of those. If we see it isn't working, we can take steps, but let's not shortcut the process. So I hope we will oppose the Murkowski amendment.

Again, not everybody will agree with me the polar bear deserves protection under ESA. Not everybody will agree with me that before a permit is granted there ought to be consultation with Fish and Wildlife. Frankly, I think that is a very modest and moderate position to take and a commonsense position. But don't support an amendment which just says: To heck with what the public says. We don't care. It doesn't matter. Cut it short. Remove the Endangered Species Act. Remove the consultation process. That is not a way to go, and especially for the Bush administration to do it after the election, on one of those late-night announcements. Let's give this administration a chance to take a look at both of these rules, take a look at making sure the scientists are listened to, the public is listened to.

So, again, in closing, I want to say this in summing up. Senator COBURN has attacked the veterans in my State by calling a line item in this bill one of the worst projects in this bill. He actually did. The veterans in my State are up in arms, and I put the letters in the RECORD and I hope we will vote against the Coburn amendment. The way he has presented it is so unfair to my veterans. He talks about free balloon rides and the Great Park. The funding here is simply to refurbish a historic hangar, the only hangar at El Toro that can be preserved to remember these veterans. So I hope we will vote that

down, and I hope we will vote down the Murkowski amendment because if you vote for her amendment, friends, what you are saying is the process should be truncated; that it doesn't matter who the President is—President Obama.

In other words, if you vote for this as a process, you are saying to this new President: Well, we support your being able to just decide whatever you want; to ignore the public comments, ignore the scientists; just get up and do whatever you want at midnight. I think that is wrong, and I don't care if the President is Republican or Democrat, we shouldn't do it that way. It isn't the right way to do it.

So I hope we will take a stand against that kind of government, and I hope we will take a stand in favor of my veterans. I hope we can, in fact, pass this bill and get on with our business because the option is to go back to a bill that was written—basically, it goes back to the old budget, before we had all the problems we have now. I think it is looking backwards. I think it is putting our government in reverse at a time when we need to move forward with confidence. I believe passing this bill is an important part of what we need to do this week.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 623

Mr. MCCAIN. Mr. President, I rise to briefly discuss the amendment that has been proposed by the Senator from Oklahoma, Mr. COBURN, to prohibit funding for PMA-related earmarks.

A lot of Americans don't know who PMA is, Mr. President. In fact, I didn't until recently, but it is very interesting. The Coburn amendment, by the way, would strike 13 projects where funding is directed to clients of the PMA Group, a lobbying firm currently under Federal investigation for corruption.

Today, we have before us a massive omnibus spending bill totaling nearly \$410 billion that contains over 9,000 earmarks. Perhaps even more troubling than the number of earmarks is to whom and how some of this funding is being directed. Contained within this legislation are 13 earmarks totaling over \$10 million directed to clients of the PMA Group.

Mr. President, the PMA Group is a lobbying firm that was recently forced to close its doors after the home of its owner and offices were raided last November by the FBI for suspicious campaign donation practices. That investigation continues to this day.

Well known for its deep ties to Capitol Hill, the PMA Group has a long and lucrative history for securing earmarks for its clients, including approximately \$300 million in the fiscal year 2008 Defense appropriations bills—none of them authorized, by the way—\$300 million.

There have been many accusations against the PMA Group, including using straw donors to further spread

their wealth to curry favor with influential Members of Congress. A February 14, 2009, Washington Post article examined campaign contributions reportedly given by members of the PMA Group and found "several people who were not registered lobbyists and did not work for the lobbying firm," including a 75-year-old California man who, despite being listed in financial disclosure documentation as a donor and PMA employee, had never even heard of the firm.

Mr. President, I ask unanimous consent to have printed in the RECORD that complete article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 14, 2009]

DESPITE LISTING, DONORS DON'T WORK FOR FIRM BEING PROBED

(By Carol D. Leonnig)

Marvin Hoffman is listed in campaign finance records as one of the many lobbyists with the powerful PMA Group donating money to lawmakers. But Hoffman is a soon-to-retire information technology manager in Marina del Rey, Calif., who has never heard of the Arlington lobbying firm or the Indiana congressman to whom he supposedly gave \$2,000.

"It's alarming that someone is stealing my identity somewhere," Hoffman, 75, said in an interview. "I've never heard of this company."

Another contributor listed as a PMA lobbyist is, in fact, a sales manager for an inflatable boat manufacturer in New Jersey. John Hendricksen said he did make campaign donations but never worked at PMA and does not know how he ended up listed in records that way.

These errors, along with other unusual donations linked to the firm, come as the Justice Department examines allegations that PMA may have violated campaign finance laws. The offices of PMA, which ranked last year as the 10th-largest Washington lobbying firm by earnings, were raided in November by FBI agents and Defense Department investigators.

Federal investigators are focused on allegations that PMA founder Paul Magliocchetti, a former appropriations staffer close to Rep. John P. Murtha (D-Pa.), may have reimbursed some of his staff to cover contributions made in their names to Murtha and other lawmakers, according to two sources familiar with the investigation. PMA has long had a reputation for securing earmarks from congressional appropriators, particularly for defense contractors, and it has donated generously to influential members of Congress. Magliocchetti personally gave \$98,000 in campaign donations last year, according to campaign records.

Federal election laws limit the amount of money individuals may contribute to candidates, but lobbying firms often show their clout by collecting and bundling contributions. It is illegal for employers to reimburse donors for their contributions.

The Washington Post examined contributions that were reported as being made by PMA employees and consultants, and found several people who were not registered lobbyists and did not work at the lobbying firm. It is unclear whether the donors misidentified as PMA associates are part of the federal probe.

A PMA spokesman said the firm's management does not know Hoffman or Hendricksen and does not know how the errors were made

in reports to the Federal Election Commission.

"It's up to the campaigns to report contributions in their FEC filings," said PMA spokesman Patrick Dorton.

FEC spokeswoman Mary Brandenberger said she has not often seen such misidentified donations, but if a complaint were received, the commission would first question the campaign about its record-keeping.

Jan Witold Baran, a campaign finance and ethics expert and Wiley Rein lawyer, said the errors pose serious questions and should be cleared up.

"It's true that candidate campaigns have the responsibility for disclosure, but the information they obtain usually comes from the contributor or the person who solicited from the contributor," Baran said. "The question is: Where did that information come from?"

Murtha aide Matthew Mazonkey said the congressman was not the recipient of the erroneous donations.

PMA, founded in 1989 by Magliocchetti, a former Murtha aide to the House Appropriations Committee, has enjoyed a high success rate in winning earmarks for its clients, which include such major defense contractors as Lockheed and General Dynamics. PMA also represents a circle of lesser-known but also successful contractors such as Argon ST, MTS Technologies, DRS Technologies and Advanced Acoustic Concepts. Many PMA clients have opened offices in Murtha's western Pennsylvania district, donated generously to him, and received millions in earmarks requested by the congressman.

In the last election cycle, PMA and its clients donated \$775,000 to Murtha's campaigns. Last year, those clients received earmarks worth \$299 million and arranged by Murtha and his colleagues.

The majority of PMA's 35 lobbyists had worked on Capitol Hill or at the Pentagon. Several of the top lobbyists were also PMA directors and had ties to lawmakers.

Two men listed in campaign finance reports as together giving \$30,000 to lawmakers and being part of the PMA Group team are not Washington lobbyists at all. They live and work in the Florida resort community of Amelia Island, where PMA founder Magliocchetti has a beachfront condominium. Both are listed as directors of PMA.

John Pugliese had been a sommelier at the posh Ritz-Carlton Hotel on the island, his family said. Jon C. Walker is in charge of golf marketing at the neighboring Amelia Island Golf Club, according to club personnel and its Web site. They each donated identical amounts to the same lawmakers, in 12 installments each, almost always on the same date.

Walker and Pugliese did not return repeated phone calls and messages.

Pugliese is listed as a PMA Group "associate," and Walker is a PMA Group "consultant" in finance records.

Rebecca DeRosa, who is listed as a part-time accountant at PMA and director, recently married Magliocchetti and has given generously on PMA's behalf for several years. Last year alone, she personally gave \$73,000 to lawmakers and congressional political action committees, records show. For most of those donations, she is listed as a PMA employee. Her donations included \$22,000 to the Democratic Congressional Campaign Committee and \$4,250 to Rep. James P. Moran Jr. (D-Va.).

DeRosa did not answer her phone or returns calls to the Gaithersburg office of the DRS subsidiary, where she is listed as an employee.

Mr. MCCAIN. An article from the Congressional Quarterly on February

19 noted another curious statistic from the PMA Group's financial disclosure forms. Somehow during the course of the last four election cycles, PMA's political action committee reported expenses of \$18. Now, I have heard of businesses trying to cut overhead costs, but spending \$18 over 8 years doesn't pass the smell test.

I don't use the word "corruption" lightly, Mr. President. I don't. But we have seen the abuses of the appropriations process before, and we obviously haven't learned. Whether it was Jack Abramoff bilking millions of dollars from numerous Indian tribes or Duke Cunningham steering high-value defense contracts to firms that carried his favor through bribes and extravagant trips around the world, we have a broken system that breeds this sort of behavior.

Let me remind you there are former Members of Congress and staff members who now reside in Federal prison. The allegations against the PMA Group are serious and troubling, and we in Congress should treat them as such. How in the world do we approve 13 earmarks that were obtained by a group that has been raided and shut down by the FBI? How do we tell the American people we did such a thing—\$10 million and over \$300 million in last year's Defense appropriations bill?

Mr. President, the American people, sooner or later, are going to hold us accountable. Why should we approve earmarks from an organization that is clearly in violation of numerous laws, including having the FBI raid them and shut them down? They have all said they are no longer in business anymore, and clearly there are people listed in campaign finance reports—and I will quote again from the Washington Post article:

... giving \$30,000 to lawmakers and being part of the PMA Group team are not Washington lobbyists at all. They live and work in the Florida resort community of Amelia Island, where PMA founder Magliocchetti has a beachfront condominium. Both are listed as directors of PMA.

And the article goes on and on, Mr. President.

"John Pugliese had been a sommelier at the posh Ritz-Carlton Hotel on the island," his family said. John C. Walker is in charge of golf marketing at the neighboring Amelia Island Golf Club, according to club personnel and its Web site. They each donated identical amounts to the same lawmakers, in 12 installments each, almost always on the same date.

I will talk some more about this before this is over because the American people are beginning to figure it out. The American people are rising up in strenuous objection to this kind of process, with 9,000 porkbarrel earmark projects on them. Some of them are of value. Some are not. We do not know because it did not go through the authorization process these projects need to go through to be properly vetted and authorized by the authorizing committees.

We are not through with this bill, I am happy to say. I will be talking a lot

more about it, and the American people are talking a lot more about it. There have been some statements made that I am angry. I am angry, but I am not nearly as angry as the taxpayers are. I am not nearly as angry as the people who see that we are going to give \$10 million in earmarks that were obtained by a company, a lobbying outfit, that has been raided and shut down by the FBI.

I urge my colleagues to vote in favor of the Coburn amendment to remove at least the \$10 million from this porkbarrel bill that was obtained through an organization of questionable credentials, questionable donors, and certainly—according to the FBI, having shut them down—being people who do not deserve to be able to have \$10 million of the taxpayers' dollars.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I come to the floor to speak against Coburn amendment No. 596, not the amendment Senator McCain was speaking to, and also to put some personal remarks in the RECORD in a few minutes. I understand some of my colleagues are here to speak as well, but since I am on the floor, I would like to make a comment about PMA.

I do not know PMA. I don't know the organization. But the Senator from Arizona certainly knows there are processes and ways to get at this other than amending this bill, which has a very tight deadline and is very important to all of the agencies of this Government.

He raises some legitimate points. He is angry. Many of us are angry about this process that has gone too far. But may I remind my colleague from Arizona that this Democratic-led Congress has reduced the number of earmarks by 50 percent, has made every single one transparent, has gone through an open and public process, and none, to my knowledge—on the testimony of the chairman of the committee who is on the floor now—has been put in at any time in a closed-door conference session, which was done routinely when the other side was in charge. While it is not perfect, while investigations must continue to go on and people must be held accountable, the Senator from Arizona knows he is not the only one angry, he is not the only one helping to lead this reform effort. President Obama himself has done a great deal of work on this subject, and we will continue to.

The second point I would like to make as an appropriator and one who does have directed spending in this bill is that since when did every authorizing committee turn out to be perfect in their authorization language? Since when did every bill that goes through every committee come out to a perfect end? We have a long list of bills and authorization programs that did not work, that were ineffective. So since when is it appropriate to come and say

every authorization is perfect, but those things that were debated openly in the appropriations committee—testimony given, evidence in support of some of these programs—are all put in sort of a subcategory? I resent that.

This is a balance between authorizers and appropriators. It always has been and probably always will be. What we need to do is get back to a balance, which was completely out of whack when the Republicans were in charge of the budget process. As Democrats are trying, with some of our colleagues' support, to get a handle on this situation, I think the public is at least pleased that we are moving in that direction. We do have a ways to go. I certainly will admit that. With the leadership of Senator INOUE, I think we are making some progress.

AMENDMENT NO. 596

On the Coburn amendment No. 596, I rise in opposition to it. It is a difficult amendment to oppose because on its face it seems as if it makes a great deal of sense. In fact, there was a strong vote for it on another bill. But I rise in opposition on this point alone: The amendment calls for everything in the bill to be competitively bid. On its face, it sounds like the right thing to do. Most people do put contracts out for competitive bid in the private sector. But there are any number of times the private sector does not do that. In the public sector, there are any number of reasons—whether it is special intelligence procurement; whether it is in the small business sector; whether it is programs that reach out especially to veterans where there are certain new technologies that have to be sole-sourced and not competitively bid—there are any number. The Senator from Oklahoma knows that very well. He is actually on the Homeland Security Committee and, I believe, the subcommittee that has jurisdiction. Mr. President, you and I serve on that committee with him. There is a way to go about narrowing or making sure that most of the Federal procurement is done through competitive bid. Not on this bill. Not this day. Not at this time.

It is not as if there are not some good arguments, but that is the problem with these amendments. They are not here to try to change and reform, contrary to what the others talk about. They are here to stop, to delay, to derail, to cause something to fail. They are not here in a constructive way.

That is why I am urging my colleagues to oppose Coburn amendment No. 596, to vote down the McCain and others amendments that have been offered—not because they do not have some kernels of truth in what they are trying to do, but this is not the time to do it and this is not the bill.

Finally, because I know my colleague from Missouri is here to speak, and others, I wish to take a moment, if I may, to pay tribute to a young man who worked for me for many years—actually, for 12 years.

(The remarks of Ms. LANDRIEU are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Missouri is recognized.

(The remarks of Mrs. MCCASKILL and Mr. UDALL of Colorado pertaining to the submission of S. Res. 63 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. UDALL of Colorado. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 596

Mr. DORGAN. Mr. President, we will vote this afternoon on a number of amendments to the Omnibus appropriations bill. I want to comment briefly on one of them, and that is the Coburn amendment No. 596. That amendment presumably requires competitive bidding procedures to award contracts. That is a subject for which I have very strong support. I am all in favor of competitive bidding. I am tired of seeing sole-source contracts and contracts that go to special companies. I have held 18 hearings on the subject of contracting in Iraq. I have seen the most unbelievable waste, fraud and abuse that has ever happened in the history of this country. So sign me up as somebody who believes in competitive bidding and contracts. But let me make the point that this amendment goes way beyond the goal of requiring competitive bidding in support of saving the taxpayers money. This amendment does something much more than that.

This amendment—because it has not come through a committee and is not the product of a committee hearing—people don't understand. For example, it would set back 30 years of progress with respect to Indian communities and tribal governments where we have pursued something called Indian self-determination. The approach for self-determination on Indian reservations is to allow those tribal governments to access some of the funds in the programs designed explicitly for tribal governments dealing with housing, health care, education, and law enforcement. This amendment would essentially deny them opportunities to access those funds and move them off into a completely different process. It undermines the whole notion of self-determination for Indian reservations.

I know that is not what was intended by the author. I know that is not what was intended. But we should not, in any event, here in the twelfth hour, consider amendments that have not been the part of any hearing I am aware of. We should not pass legislation that would have the consequence

of undermining 30 years of progress. This progress is moving towards self-determination on Indian reservations where tribal governments are able to access those funds explicitly to best use them to benefit their tribal government.

We have the most significant poverty, unemployment, health care crisis, and homelessness anywhere in this country on Indian reservations. Many of them are living in Third World conditions. Health care is being rationed. It ought to be front-page news. Forty percent of the health care needs for American Indians is unmet. We have kids and elders dying because the money isn't there to provide adequate health care. The same is true with respect to education and housing. We have tried over the period to begin moving in the direction of self-determination in which, rather than have someone in some agency decide how tribes must address their housing or health care issue, self-determination for tribes allows them to begin to use that funding to best address their needs. I don't think anybody wants to upend the program. That wouldn't make any sense. We don't want to have a circumstance where we subvert progress that we have made in recent years on self-determination for Indian tribes.

This is only one issue. I am sure there are dozens with respect to this amendment. I couldn't support an amendment that, while it sounds good, has significant, unintended consequences for the first Americans. The first Americans were here to meet us, they are those who now live in substantial poverty, and those for whom legislation dealing with self-determination has tried to help by moving in a different direction. We should not undermine that. We should not in any way injure that approach to try to improve life on American Indian reservations. That is not the intent of the author, but I know that will be the consequence.

I hope my colleagues will join me in voting against the amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. DEMINT. Mr. President, it was great to hear Mrs. MCCASKILL, the Senator from Missouri, speaking on the floor. She has been a real champion of fighting one of the real causes of excess spending and waste in Washington. She came down to talk about earmarks. In this case, she was talking about Republican earmarks. I congratulate her because we have to go after them all. If there is one thing in this whole Con-

gress that is bipartisan, it is earmarks. If America wants to know how well bipartisanism works, you can look at earmarks because when it comes to wasteful spending, there is great bipartisan agreement here in the Congress that as long as we get our pork, as long as we get our political projects we can take back home, then we will vote for whatever is in the bill no matter how big it is.

Senator MCCASKILL, though relatively new to the Senate, has been willing to take on not just my party but her own in fighting this root cause of much of the wasteful spending in Washington. So I commend her very much for coming to the floor, not just today but many other times.

She has worked with me on several earmark-related bills. She supported a 1-year moratorium on earmarks, which then-candidate Senator Obama flew back to vote to suspend earmarks for a year so we could look at ways to reform them so we would not continue this pattern of very wasteful spending.

I honestly believe the reason we are looking at trillion dollar bills today is because of this whole earmarking process. This \$400 billion Omnibus appropriations bill we are considering this week, I am convinced would be voted down if the leadership on both sides had not sprinkled earmarks for about every Member of the House and the Senate. It is a way to pass bills that otherwise would not pass.

I do need to correct one thing Senator MCCASKILL mentioned, which is this idea that since the Democrats took over the majority, they have cut earmarks in half. I wish that were true, but, unfortunately, it is not. If you look at this chart I have in the Chamber, earmarks have grown under bipartisan agreement for years.

As we came into 2006, we began—several of us in the Senate and the House were putting increasing pressure on both sides to cut the number of earmarks, and they dropped a little bit. But this lower figure here, as shown on the chart, came as the Republicans had lost the majority in the election but had not yet given up the majority in that January. A number of us held back an omnibus bill with thousands of earmarks in it, and we ended the year 2007 with less earmarks than we had had in almost 10 years.

But, as you see, under the Democratic majority, it is already back to the second highest number, counting this omnibus we are talking about this week with over 9,000 new earmarks which are totally unnecessary, totally against the things that have been said in the last election, that in 2009, at least counting as of this week, we are nearly at 12,000—the second highest in history. So neither party can boast we have done anything significant about earmarks.

As America looks in, they are becoming increasingly outraged at this flagrant waste we are shamelessly involved with every week. So I commend

Senator MCCASKILL for taking on both parties, senior Members in both parties, on this earmark issue.

But the real issue now comes back to leadership in our country, and is there anyone in Washington with the power to change this who is willing to take on the issue. My hope has been since the last election that while I know I will disagree with President Obama on a number of things, it was my understanding and my hope he would keep his word on fighting earmarks. He certainly talked about it during his election.

He said, in April of 2008: We can no longer accept a process that doles out earmarks based on a Member of Congress's seniority rather than the merit of the project.

He said, in October of 2008: We need earmark reform, and when I'm President, I will go line by line to make sure we're not spending money unwisely.

But, last week, his Budget Director said: This omnibus we are talking about this year is last year's business. We just need to move on.

So I guess this week we have suspended the Presidency, we have suspended hope and change, and we have gone back to nearly 12,000 earmarks.

Senator MCCASKILL said: Do not take anyone seriously who says one thing and does another. That is the worst sin of all.

What I am afraid of, at this point in the new Presidency, is that the only change that has occurred in Washington is the change with the President himself. This is an issue he said he would help us on. This is an issue he said he knew was a core problem of waste and corruption here in Washington. This is not a Republican or Democratic issue. Neither party can sit down here and say they are righteous in this. But both parties need to come to the understanding, the realization, that this earmarking process is destroying our whole work as a Congress.

You see, what this has done is this has trained the American people to believe that our purpose here in Washington is to take money home to our States and congressional districts. It is teaching the American people that we use earmarks as a reward to help those groups and organizations that helped us get elected. Or we use taxpayer money to bail out people who have been irresponsible in their decision-making.

But what we have forgotten is that our constitutional oath is to defend and protect the Constitution of the United States of America, not to get projects for our district. But what earmarking has done has perverted the whole purpose of this Congress. Instead of working on fixing a Tax Code that is destroying our economic base in this country, and overseeing our financial system to keep it from financial collapse, and fixing Social Security and Medicare so we can keep our promises to seniors, and defending our country by funding the military properly—instead of doing that, we spend most of

the year here in Washington figuring out which local roads and bridges and water and sewer plants and bike paths we are going to build.

In this omnibus bill or ominous bill—whatever you want to call it—it is hard to read the list and then think about the rhetoric of how treacherous these times are, how difficult they are, and that every penny we spend of taxpayer money has to go to help our economy and help the American people.

What does \$1.8 million for swine odor and manure management research have to do with these difficult times we are in, or \$200,000 for a tattoo removal violence prevention outreach program, or \$75,000 for a Totally Teen Zone where people can play Xbox?

Folks, if I read this, it is only going to make you madder and madder and madder. This is a mix of Republican and Democratic earmarks. You would hear a lot of Senators say: I know this is a bad bill, I know it is wasteful, but I have something in it for back home. I can't vote against it.

There is only one person in Washington who can stop all this because Congressmen and Senators will say, similar to a bunch of drunks: I am not going to drink as much tomorrow. But they don't have the power to stop themselves. I have become convinced, after 10 years of being in the House and the Senate, we don't have the power to stop ourselves.

There is one person in Washington who can lead on this issue and he said he would lead on this issue and he said this is a change we could expect from his administration. The President should veto this omnibus bill with over 9,000 earmarks in it—9,000 of what I am reading here. It takes money. They say: It is not that much money; oh, it is just \$7 billion or \$8 billion or whatever; but the reason we are passing a \$400 billion bill that we should not be passing right now is because it has these earmarks in it.

The reason you won't see very many people on the floor of this Senate come in and vote no is because they have something in it for back home that they have already done a press release on, taking credit and beating their chests for taking home the bacon, but the taxpayers are paying for it. Folks are getting more and more outraged, and I am, too, because I have children and I have grandchildren now and I know we are taking all these millions of dollars and putting it on their backs for the rest of their lives and taking credit for our little projects in our press reports.

There is only one person who can stop this; the person America counts on today for changing the way we do business in Washington. After only a month in office, if this system has changed him rather than him changing the system, then we are all in trouble. We have not reduced earmarks, and we are on track to have the highest number of earmarks in history within the next year, in a bipartisan fashion.

There is nothing noble about combining bad ideas from both parties and calling it bipartisanship, and that is what we are doing here today.

I would encourage the President to threaten a veto of this bill, to follow through on a veto of this bill, and make this Congress send this bill back to committee and do the things America needs instead of the things we want politically to help us get elected in our next election that is coming up.

I wish to thank, again, the Senator from Missouri, Mrs. MCCASKILL, for bringing up this issue and having the courage to fight both parties on a very important issue to our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, on behalf of the leadership, I ask unanimous consent that the Senate now proceed to vote in relation to the Coburn amendment No. 596; that no amendment be in order to the amendment prior to a vote; that upon disposition of amendment No. 596, the Senate resume consideration of the Coburn amendment No. 608; and that there be 20 minutes of debate remaining with respect to the amendment, with no amendment in order to the amendment prior to a vote in relation thereto; with the time equally divided and controlled between Senators LEAHY and COBURN or their designees; that upon the use of that time, the Senate proceed to vote in relation to amendment No. 608.

The PRESIDING OFFICER. Is there objection?

Mr. INOUE. Mr. President, I wish to clarify the time. There is no time at this moment, but it will be soon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, prohibiting no-bid contracts is a laudable goal. With billions of dollars wasted on no-bid contracts by the previous administration, it is a goal that Democrats and Republicans should embrace.

But Amendment No. 596 which is disguised as a good government amendment does far more harm than good.

This amendment would require that only procedures in accordance with section 303 of the Federal Property Administrative Services Act would be eligible to receive funds.

The result would be to strictly limit opportunities for small businesses, minority-owned businesses and Native Americans to receive agency contracts.

The Indian Self-Determination Act and the Native American Housing Assistance and Self-Determination Act allow tribes to provide governmental services to their members by entering contracts and receiving grants. Requiring these contracts and grants to go through a competitive process would undermine the purposes of tribal self-determination.

The tribes in Nevada and throughout America know how to best serve their members' interests. Tribes enter contracts with the Bureau of Indian Af-

fairs and the Indian Health Services to provide these services. This amendment threatens their authority to do so.

Enacting this amendment would roll back years of Small Business and Indian Affairs Committee authorizations by requiring that all contracts be awarded through just one specific section of one specific law.

Small businesses employ more than half of our country's private sector workforce. If we pass this resolution and deny these small businesses the ability to compete on a level playing field, we will be severely impeding our country's desperately needed job creation engine.

Congress has authorized a number of procedures over the years to help small businesses, veteran-owned businesses, minority-owned businesses and tribal enterprises gain access to government contracts. We have done so on a strong bipartisan basis because we recognize that small businesses are able to provide the same level of skill and service as their larger counterparts. We should continue giving these small companies a fair chance to earn business, prosper, grow and create the jobs our country desperately needs.

Mr. INOUE. Mr. President, I ask for the yeas and nays on the Coburn amendment No. 596.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNIS) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 57, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—38

Alexander	Ensign	McCain
Barrasso	Enzi	McCaskill
Bayh	Feingold	McConnell
Bennett	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Shelby
Burr	Hagan	Specter
Chambliss	Hatch	Thune
Coburn	Inhofe	Vitter
Corker	Isakson	Voinovich
Cornyn	Klobuchar	Warner
Crapo	Kyl	Webb
DeMint	Martinez	

NAYS—57

Akaka	Byrd	Durbin
Baucus	Cantwell	Feinstein
Begich	Cardin	Gillibrand
Bennet	Carper	Harkin
Bingaman	Casey	Hutchison
Bond	Cochran	Inouye
Boxer	Collins	Johnson
Brown	Dodd	Kaufman
Burr	Dorgan	Kerry

Kohl	Mikulski	Schumer
Landrieu	Murkowski	Shaheen
Lautenberg	Murray	Snowe
Leahy	Nelson (FL)	Stabenow
Levin	Nelson (NE)	Tester
Lieberman	Pryor	Udall (CO)
Lincoln	Reed	Udall (NM)
Lugar	Reid	Whitehouse
Menendez	Rockefeller	Wicker
Merkley	Sanders	Wyden

NOT VOTING—4

Conrad	Kennedy
Johanns	Sessions

The amendment (No. 596) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 608

The PRESIDING OFFICER. There will now be 20 minutes of debate prior to a vote on amendment No. 608 of the Senator from Oklahoma. Who yields time?

The Senator from Oklahoma is recognized.

AMENDMENT NO. 608

Mr. COBURN. Mr. President, this amendment is a very straightforward amendment. This Senate made a commitment last year through the Emmett Till Unsolved Civil Rights Crime Act that we would fund in this bill money to be applied to the Justice Department to start and bring up to a level that is appropriate the funding of the investigative, prosecutorial, and other necessary agencies with which to go after these unsolved crimes.

The reason it is important is that in most of these crimes, the witnesses are very elderly. So the timeliness of it is very important.

It is interesting today that the other side produced a letter from the Attorney General that states exactly the opposite position they took last year when I opposed trying to get the money to pay for this bill. They bring forth a letter that says Attorney General Holder is going to make sure we try to do this within the funds he has. That is the very argument I made last year, but it was not good enough. So we had hundreds of press releases go out on all these things we are going to do on the Emmett Till Unsolved Civil Rights Crime Act. Yet when it comes time to fund it this year, we cannot find \$10 million in a \$410 billion bill to do it. Either we mean to do it and we mean to uphold the promise we made to this group that has worked hard to have that bill passed or we are full of hot air.

This amendment takes \$10 million from a program that has questionable results in half of its grant money. I will not go into the details of it. Yet we will not fund this bill. I said last year on the Senate floor, we will see if you fund it. And sure enough, you didn't fund it. So you didn't keep your commitment, you didn't keep your commitment to Alvin Sykes, a guy who has worked 10 years to get that

bill passed. And now we come up and say we will take care of it through the administration, which was the very argument I used that said we didn't need increased authorization. Now all of a sudden you say that is good enough. Well, it is not good enough. It breaks your commitment to fully fund this program to bring to justice those who committed these terrible crimes.

I reserve the remainder of my time. The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is available in opposition to this amendment?

The PRESIDING OFFICER. Ten minutes.

Mr. LEAHY. Mr. President, I recall the young man who killed his parents and threw himself at the mercy of the court saying: You have to give me mercy, I am now an orphan. I have heard that line used before on this floor and I use it again in this instance because I hope we can tell the truth about what happened on the Emmett Till Unsolved Civil Rights Crime Act.

I worked very hard over the last two years with Senator DODD and Congressman LEWIS to pass the Emmett Till Unsolved Civil Rights Crime Act to provide resources for the Department of Justice and Federal Bureau of Investigation to investigate and prosecute decades-old unsolved civil rights cold case crimes. It could have been law earlier had not Republican opposition obstructed its enactment. We tried to get this bill through the Senate. It was being held up. Now, after the efforts to stop it from becoming law in the first place, we are told: Oh, my gosh, my Emmett Till bill, which I love so much, you are not funding it right. That is not right. This should have been a non-controversial bill and it should not have taken several Congresses to pass.

Indeed, passage ended years of opposition by Senator COBURN and others across the aisle. In June 2007, we unsuccessfully attempted to get Senate consideration and passage of the bill by unanimous consent. Senator COBURN placed a hold on the Till bill. The Senator from Oklahoma also announced that he opposed the Till bill because the FBI is already investigating and prosecuting old civil rights cases and because crimes committed before 1970 cannot be prosecuted under most Federal civil rights statutes.

Majority Leader REID included the Emmett Till bill in the Advancing America's Priorities Act, S. 3297, last summer. It was still opposed by the Senator from Oklahoma who objected to its consideration.

I worked for months to have it considered and passed as a separate stand alone measure. I have to thank Senator DODD and Representative JOHN LEWIS for their leadership and hard work in persevering and getting it through the full Senate over the objection and the roadblocks of the Senator from Oklahoma. I was happy when he finally ended his opposition, after much public

criticism, and I told him so at the time. After he lifted his hold, the full Senate passed the Till bill unanimously by voice vote. Senator COBURN announced that he "can't convince" his colleagues that "there are plenty of funds" at Justice to probe these old crimes, so he decided to lift his hold.

I am glad that Senator COBURN finally ended his opposition to the Emmett Till bill. I know that he now likes to emphasize that he belatedly became a supporter of the bill, but that was after years of having stalled its passage. Regrettably, the current Coburn amendment appears to be as mischievous as was his unsuccessful amendment to the District of Columbia House voting rights bill last week. It should suffer the same fate. It should not delay or deter passage of the Omnibus appropriations bill that needs to be passed by the Senate and signed by the President this week.

This special "earmark" that the Senator from Oklahoma is proposing is just not needed. Its functional impact if accepted would be to prevent enactment of the Omnibus appropriations bill this week and force it to be reconsidered by the House of Representatives. At a time when confidence and funding of our Nation's institutions is critical, we should not be playing games with funding. We need to get it done. We need to work together to solve the Nation's problems.

In fact, this Omnibus appropriations bill increases funding for the Justice Department, specifically for the Civil Rights Division, and already increases funding available to Emmett Till-type investigations and grants. I doubt that anyone in the Senate is a stronger supporter of Federal assistance to State and local law enforcement than I. Providing that support will take place when the Omnibus appropriations bill is enacted and we can provide the increased funding at last year's appropriated levels and the funding in the continuing resolution. I believe the best way to move forward, if we support the Emmett Till bill and care to solve unsolved civil rights era crimes, is to pass the Omnibus appropriations bill without adding this additional, unnecessary "earmark."

The able chair of the Appropriations Subcommittee, a long-time supporter of the Emmett Till bill, has set forth, not only does the Civil Rights Division get more funding under the bill, not only does the inspector general receive more funding under the bill, but \$30 million is available under the bill for competitive funds for States and local jurisdictions, including for investigating and prosecuting civil rights violations. In addition, the increased funding for U.S. attorneys' offices, something for which some of us have been fighting for years, is significant; the funding for grants to State forensic labs is significant; and there is more than \$150 million to reduce the backlog of offender profiles and untested DNA, something we have fought for in the Debbie Smith Act for years.

Does anybody doubt Attorney General Holder is sensitive to these matters? Of course he is. Our first African-American Attorney General does not need to be lectured or mandated on investigating heinous crimes committed against African Americans during the civil rights era. He has spoken about his dedication to restoring the Civil Rights Division. He will demonstrate his commitment. Indeed, in his recent letter to Chairwoman MIKULSKI he reiterates the Justice Department's "wholehearted" support for the goals of the Emmett Till Unsolved Civil Rights Crime Act, notes some of the actions the Department has already taken, and states his "personal commitment" to pursue these matters. Ironically, Senator COBURN voted against the nomination of Eric Holder, as well.

I join Chairman INOUE, the distinguished chair of the Appropriations Committee; Chairwoman MIKULSKI, the chair of the Appropriations Subcommittee; Senator DODD, the author of the Emmett Till Unsolved Civil Rights Crime Act; and the majority leader in opposing this amendment at this time on this legislation.

Our interest is actually in going after these unsolved crimes, not in trying to add a poison pill amendment to the bill on the Senate floor. That is what we did, we fought for years over the objection of the Senator from Oklahoma to get the Emmett Till bill passed. Let's not now kill it with an amendment on the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will be very brief. Senator LEAHY described the situation very well. One name that was not mentioned in the discussion here was Jim Talent, a former colleague of ours from Missouri, a former Republican Member of this body who was the principal author of the Emmett Till legislation. I was his cosponsor, and when he left, I became the lead sponsor and others joined on both sides of the aisle to adopt this legislation to pursue unsolved civil rights cases.

I say to my friend from Oklahoma, I am pleased we resolved it. He had some problems not so much with the idea of investigating unsolved matters. His concern was, if I recall, whether the matter ought to be authorized without having an offset at the time. As I recall, that was the debate.

We went a year, maybe longer, while this was held up and we were not able to adopt it. The argument is that had we done so, when it finally passed unanimously in this body, it was after the Commerce-Justice-Science appropriations bill was adopted. So it was too late to get the funding in that proposal. As a result, we ended up with an authorization.

As Senator LEAHY has pointed out, Eric Holder has testified, in fact, I think, in response to questions of my friend from Oklahoma, whether there would be funding for this program dur-

ing either his confirmation hearing or an appearance before the committee. He responded there was adequate funding. He said—I think his quote was at the time he would "figure out ways to try to move money around" to investigate and prosecute these crimes.

Of course, under this omnibus bill before us, Department of Justice funds can be used to investigate unsolved civil rights crimes. The money includes \$123 million for the Civil Rights Division at the Department of Justice responsible for investigating cold cases, which is \$7 million more than the fiscal year 2008 levels. There is an additional \$30 million for competitive funds for State and local governments. Eligible activities include expenses associated with investigating and prosecuting civil rights violations that are criminal in nature.

Obviously, as Senator LEAHY and others have pointed out, it is critically important we get this omnibus bill done or funding altogether will be eliminated. I say it is time we move forward. This has been an important matter, the fact that we received unanimous support on this effort back a few months ago.

Jim Talent, who came up with the idea, thought we ought to pursue these matters. I thought it was a worthy one. That is why I joined him in it. On a bipartisan basis, we stepped forward. It would be unfortunate at this hour to take this omnibus bill, which has resources to do that, to reject this and obviously send the whole matter into conference, which would delay the funding that is appropriated in this bill.

With that, I respectfully say to my friend from Oklahoma that I appreciate his support of the underlying concept and bill, that we pursue these matters of unsolved civil rights cases. I welcome his participation in that. I strongly urge my colleagues respectfully to reject the amendment so we can move forward and provide the funding necessary for the bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, first, I regret the inference that my obstruction to this bill was anything other than financial. To me it is a fairly low blow to imply, by the chairman of the Judiciary Committee, that I had a motivation other than financial. I am known in this body for trying to make us more efficient and to save money.

The second thing is it is laughable to call it an earmark. It is authorized. That is what we passed last year. It is authorized. It is authorized by 100 Senators. The commitment that was made was that we would fund it.

One of my negotiations for finally agreeing is that if you are going to do this and you are going to authorize it at \$15 million a year, you ought to at least fund it since the very statements were that we didn't have the money within the Justice Department to do

this the way the Justice Department was funded.

There is not one mention of this bill in either the report language or the text of the bill related to this particular act. So what we see is cover.

I truly wish to see us solve all these. But the game that is being played today is somebody forgot to fund it.

The final point I will make before my time runs out is that if this gets added, we are not going to not fund this. This bill is still going to pass, we are still going to do the hard work, and we are still going to fund the agencies. To imply otherwise is disingenuous.

This amendment was put up in a sincere effort to keep a commitment to Alvin Sykes, not to create mischief, not to be a bill killer, but to create a commitment. The last thing I told Alvin Sykes: You got it authorized. Your problem is going to be getting it funded. He was assured by the office of Senator DODD and others that it would be funded. And what do you know, the bill comes through and it is not funded. I don't know if it was a mistake. Just say it was a mistake and we will take care of it in the next bill. But to deny the fact we made a commitment and now are not keeping it and assign all sorts of motives different than what they are is pretty distasteful, I would say.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I was going back over the notes of what I said. I don't find anything where I ascribe any motives to the Senator from Oklahoma. I am shocked that he thought I had. If there is any implication in the record that I was ascribing motive to my friend and valued member of the Senate Judiciary Committee, it certainly was not intended. I did, however, relate the fact that he held up the bill for some considerable period of time. That is a fact. That is in the RECORD. That is known. I will let him explain why he held it up. I ascribe no motives. In fact, in my 36 years in the Senate, I have not ascribed motives to any colleague of mine, even if he or she placed a hold on a bill. I am not about to start now. The fact is, the Senator from Oklahoma did place a hold on the important Emmett Till bill. The fact is, the full Senate did pass it over his objection. The fact is, we do have a letter from Eric Holder, the Attorney General, promising that his Justice Department has already, and will continue, to commit its resources towards prosecuting civil rights era cold cases. The fact is, the money we want to have is already in the bill we consider today. And the fact is, we have to pass this bill with the appropriations in here, including for the Department of Justice, so we can move forward as a nation. We must ensure that the Emmett Till bill is more than simply a statute. It must also be an answer to the hopes of all Americans that justice might finally occur in

so many of the unsolved civil rights cases.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from Eric Holder.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ATTORNEY GENERAL,  
Washington, DC, March 3, 2009.

Hon. BARBARA MIKULSKI,  
Chairwoman, Subcommittee on Commerce, Justice, Science and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRWOMAN: The Department of Justice wholeheartedly supports the goals of the Emmett Till Unsolved Civil Rights Crime Act. The racially-motivated murders from the civil rights era constitute some of the greatest blemishes upon our history.

The Department is working in partnership with the National Association for the Advancement of Colored People, the Southern Poverty Law Center, and the National Urban League to investigate the unsolved racially-motivated violent crimes committed more than 40 years ago. The FBI has prioritized the top dozen of these cases, though there are more than 100 unsolved murder cases from the civil rights era under review by the FBI.

You have my personal commitment that the Department will continue to pursue these serious crimes in those matters in which the law and the facts would permit effective law enforcement action. We will continue to use our resources and expertise to identify and locate those responsible for these crimes and prosecute them whenever possible, consistent with the Principles of Federal Prosecution.

Sincerely,

ERIC H. HOLDER, Jr.

Mr. LEAHY. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 20 seconds remaining.

Mr. LEAHY. Mr. President, I withhold the remainder of my time.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Oklahoma.

Mr. COBURN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is 4½ minutes remaining.

Mr. COBURN. I thank the Chair.

You know, it is interesting, when I hold bills it is hardly ever on policy. Every one of you got a letter from me—everybody in this body—which said I will oppose all new legislation if you are spending new money unless you decrease authorization somewhere else. The American people get that.

You can't keep growing the government and promising we will do things. So we are seeing it wrung out—the true operations of the Senate—because what we are doing is promising something, but when it comes down to dividing the pie, we don't have the money. So instead of recalling our press releases, we don't fund them. We don't keep our commitments.

No wonder the American people don't trust Congress. We play games. We manipulate. This is something that should have had, and was committed to having, a line item in the appropriations bill to make sure this money funds what is necessary on a timely basis.

The letter the chairman of the Judiciary just submitted for the RECORD has already been submitted for the RECORD. It was submitted this morning. But it is ironic that the very argument I used in trying to get them to offset this bill last year is the very argument they are using now to say we don't need to have a line item in the appropriations bill for it. It wasn't a good enough argument last year, but it is a good enough argument now that you don't want to fund this directly.

This is a matter of timing. We ought to put the money in this on a timely basis to make sure we solve these crimes. The witnesses are dying and the information is going away. Justice denied comes about because we are delaying justice. Regardless of the good intentions of the Attorney General, we can force them to spend this money in that way, and the way to do that is to put a line item in the bill.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, there is very little time left to the Senator from Vermont. I serve on both the Appropriations Committee and also as Chairman of the Senate Judiciary Committee, the committee that has oversight over the Department of Justice. The amendment of the Senator from Oklahoma to fund the Emmett Till bill is unnecessary and would kill the overall appropriations. I will oppose it.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this amendment would not kill this bill. What it will do is, it will go back to the House, and they will have to agree to it. Everybody knows that. We have known this day was coming for a long time. Whatever the outcome, the fact is, those commitments weren't kept. We didn't do what we told the very people who worked very hard to accomplish this we would do, and it sheds a light on our body that should not be there.

Mr. President, I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the Coburn amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNES) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 58, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—37

Alexander	Crapo	McCain
Barrasso	DeMint	McCaskill
Bennett	Ensign	McConnell
Bond	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Grassley	Shelby
Burr	Hatch	Specter
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Isakson	Voivovich
Collins	Kyl	Wicker
Corker	Lugar	
Cornyn	Martinez	

NAYS—58

Akaka	Gregg	Nelson (FL)
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burr	Kohl	Shaheen
Byrd	Landrieu	Snowe
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden
Feinstein	Murkowski	
Gillibrand	Murray	

NOT VOTING—4

Conrad	Kennedy
Johanns	Sessions

The amendment (No. 608) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was not agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. We have a couple more amendments offered by the Senator from Oklahoma that we are going to try to dispose of this evening. It is my wish that we could do that about 5:30 this afternoon. So people who wish to speak on the remaining two Coburn amendments should come and do that.

We do not have an agreement yet to that effect, but we are sure going to try to get to that. As everybody knows, there is an event at the White House that Senator MCCONNELL and the chairmen and ranking members have been invited to attend. We are going to do that. We are going to move through as many of these amendments as we can tonight. I would like to only get those two amendments voted on.

That means we have three that have already been filed, so we are going to come in early in the morning and start working on those. It is my understanding that there are a number of other amendments people want to offer. But I should alert everyone, we are kind of winding down. We have tomorrow to work on this. But I would hope everyone would understand we have been through a lot of amendments, with no prerequisites as to what they are, and I think that unless something untoward happens, I am going to

file cloture on this tonight for a Friday morning cloture vote.

We will have to see at that time how many amendments we can dispose of tomorrow to see what the temperature of the body is. It would certainly be possible, with a consent agreement, that we can dispose of this tomorrow. But it is up to the Senators as to what they want to do. As I have indicated, the CR expires on Friday. So we have to do something. I have told people this, but so there is no misunderstanding, I have spoken, in fact with the Speaker last night, had a meeting with her about 4:30 in the afternoon. She said: We have put our Members through a lot over here on this appropriations bill. I am not going to put them through any more. If there are any amendments, we are going to do a CR for the rest of the year.

But the information I have given the Senate is nothing new. I said that earlier this week. So we have had good debate on all these amendments. I hope it continues.

AMENDMENTS NOS. 607 AND 635

Mr. KYL. Mr. President, while the leader is still here, I ask unanimous consent that the Thune amendment No. 635, and the Wicker amendment No. 607 be modified with the changes that are at the desk.

Mrs. BOXER. Reserving the right to object, I have not seen those modifications.

Now I am being told they are very minor. In that case I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 607 and 635), as modified, are as follows:

AMENDMENT NO. 607

On page 927, strike line 14 and all that follows through page 929, line 20, and insert the following:

(b) AVAILABILITY OF FUNDS.—Funds appropriated under the heading “International Organizations and Programs” in this Act that are available for UNFPA and are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the “Global Health and Child Survival” account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under “International Organizations and Programs” may be made available for the UNFPA for a country program in the People’s Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under “International Organizations and Programs” for fiscal year 2009 for the UNFPA may not be made available to UNFPA unless—

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(3) the UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) IN GENERAL.—Not later than 4 months after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People’s Republic of China.

(2) DEDUCTION.—If a report submitted under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People’s Republic of China in the year covered by the report, the amount of such funds that the UNFPA plans to spend in the People’s Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the President to deny funds to any organization by reason of the application of another provision of this Act or any other provision of law.

AMENDMENT NO. 635

On page 458, after line 25, insert the following:

EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH

For deposit in the Emergency Fund for Indian Safety and Health established by subsection (a) of section 601 of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c), for use by the Attorney General, the Secretary of Health and Human Services, and the Secretary of the Interior in accordance with that section, \$400,000,000, to be derived by transfer of an equal percentage from each other program and project for which funds are made available by this Act, notwithstanding the limitation contained in section 3: *Provided*, That, not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report regarding the transfer.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, in deference to the majority leader’s request, I will not ask that amendment No. 635—

Mr. REID. Would my friend withhold for a unanimous consent request?

Mr. KYL. I will.

Mr. REID. Mr. President, I ask unanimous consent that the votes in relation to the Coburn amendments Nos. 610 and 623 occur at 5:35 p.m. today with no amendments in order to either amendment prior to a vote; and that the votes occur in the order listed with 2 minutes of debate equally divided prior to the second vote; and that the second vote be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, I will not object, but I would like to make an inquiry, if I could, of the majority. I have been trying to get up a noncontroversial amendment for a long period of time. It is one that has actually been on this legislation since 1996, supported by Democrats and Republicans. I have to have an opportunity to get this thing up.

Mr. REID. Mr. President, I indicated to the Republican floor staff that that is one amendment we are aware is going to be offered. We hope to be able to start offering those as soon as we finish the votes this evening—at least yours and maybe a couple others we will consider, the one amendment Senator KYL is going to speak on now.

I asked Senator KERRY, the chairman of the committee, to take a look at it before we make an agreement on it, but yours is one we are aware of. We understand it. We are ready. I would only say to my friend from Oklahoma, I do not know what word you used—noncontroversial or whatever it is—that is in the eye of the beholder.

Mr. INHOFE. That is also in the eye of the majority of Democrats and Republicans in the last 17 years.

Mr. REID. But the majority has changed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I was going to offer for consideration my amendment No. 634, but I will do that after the second vote at the request of the majority leader. Let me take a couple minutes right now to explain what this amendment is.

During the Presidential campaign, President Obama said:

If we can impose the kinds of sanctions that, say, for example, Iran right now imports gasoline, even though it’s an oil-producer, because its oil infrastructure has broken down, if we can prevent them from importing the gasoline that they need and the refined petroleum products, that starts changing their cost-benefit analysis. That starts putting the squeeze on them.

Indeed, I think the President is exactly right about that. I know of no disagreement with that proposition. I also think there would be no disagreement with the proposition that U.S. taxpayers should not be supporting Iran’s energy sector. As a result, I have offered or I will be offering this amendment No. 634 that does exactly that. It says very simply: That none of the funds made available in this appropriations legislation, can go to companies helping Iran either import or export energy or energy-related goods.

It also does give the President the authority to waive the provision if he deems it necessary for a valid national security reason.

Two quick points for colleagues who may say: Well, of course, we are not going to allow any of this money to go to companies that provide this kind of relief to Iran’s energy sector. I would note two examples. Senator LIEBERMAN and I sent a letter to the Export-Import Bank last October because the bank gave \$900 million to loan guarantees to a company that was exporting gasoline to Iran. When we asked the bank whether it thought the taxpayers should be funding those kinds of benefits to Iran, one of the points raised in the response to me, one that was, by the way, rather indirect in answering the question I asked was:

The Ex-Im Bank generally is prohibited from taking foreign policy determinations

into account when making credit decisions pursuant to its Charter.

Well, of course, those are the kinds of considerations the American taxpayers would want to be taken into account. I would also note, on Monday, the Wall Street Journal noted that several of our colleagues from the other body wrote to the Secretary of Energy concerning a purchase of crude oil from another company doing business in Iran's energy sector. In this case, the company is named Vitol, a Netherlands trading firm that was fined \$17.5 million after a jury convicted the company for criminal misdeeds related to the oil-for-food scandal.

Obviously, the U.S. Government should not be doing business with a company such as that.

Mr. President, I ask unanimous consent that a piece from the American Foreign Policy Council by Orde Kittrrie and carried, I believe, in the Wall Street Journal, be printed in the RECORD at the end of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. I would hope when my colleagues have an opportunity to vote on this amendment, they will agree that ensuring the appropriate use of American taxpayer money is important, it is one of our obligations. We agree with the President that is the kind of thing we can do to put some pressure on Iran, and as a result, we should not be sending our money to companies that would be supporting the energy sector in Iran.

I appreciate my colleagues' consideration of the amendment when we have an opportunity to offer it, debate it, and vote on it.

#### EXHIBIT 1

[From the Wall Street Journal, Nov. 13, 2008]

#### HOW TO PUT THE SQUEEZE ON IRAN

CUTTING OFF ITS GASOLINE IMPORTS MAY BE THE ONLY PEACEFUL WAY TO GET TEHRAN TO ABANDON ITS NUCLEAR WEAPONS PROGRAM

(By Orde F. Kittrrie)

If Barack Obama is to persuade Iran to negotiate away its illegal nuclear weapons program, he will first need to generate more leverage than what the Bush administration is leaving him with. The current U.N. sanctions have proven too weak to dissuade Tehran's leaders, and Russia and China seem determined to keep those sanctions weak. Meanwhile, the regime continues to insist there are no incentives in exchange for which it would halt or even limit its nuclear work.

However, Tehran has an economic Achilles' heel—its extraordinarily heavy dependence on imported gasoline. This dependence could be used by the United States to peacefully create decisive leverage over the Islamic Republic.

Iranian oil wells produce far more petroleum (crude oil) than Iran needs. Yet, remarkably for a country investing so much in nuclear power, Iran has not developed sufficient capacity to refine that crude oil into gasoline and diesel fuel. As a result, it must import some 40% of the gasoline it needs for internal consumption.

In recent months, Iran has, according to the respected trade publication International Oil Daily and other sources including the U.S. government, purchased nearly

all of this gasoline from just five companies, four of them European: the Swiss firm Vitol; the Swiss/Dutch firm Trafigura; the French firm Total; British Petroleum; and one Indian company, Reliance Industries. If these companies stopped supplying Iran, the Iranians could replace only some of what they needed from other suppliers—and at a significantly higher price. Neither Russia nor China could serve as alternative suppliers. Both are themselves also heavily dependent on imports of the type of gasoline Iran needs.

Were these companies to stop supplying gasoline to Iran, the world-wide price of oil would be unaffected—the companies would simply sell to other buyers. But the impact on Iran would be substantial.

When Tehran attempted to ration gasoline during the summer of 2007, violent protests forced the regime to back down. Cutting off gasoline sales to Iran, or even a significant reduction, could have an even more dramatic effect.

In Congress, there is already bipartisan support for peacefully cutting off gasoline sales to Iran until it stops its illicit nuclear activities. Barack Obama, John McCain and the House of Representatives have all declared their support.

On June 4 of this year, for example, Sen. Obama said at a speech in Washington, D.C.: "We should work with Europe, Japan and the Gulf states to find every avenue outside the U.N. to isolate the Iranian regime—from cutting off loan guarantees and expanding financial sanctions, to banning the export of refined petroleum to Iran."

He repeated this sentiment during the presidential candidates' debate on Oct. 7: "Iran right now imports gasoline . . . if we can prevent them from importing the gasoline that they need . . . that starts changing their cost-benefit analysis. That starts putting the squeeze on them."

How do we stop the gasoline from flowing? The Bush administration has reportedly never asked the Swiss, Dutch, French, British or Indian governments to stop gasoline sales to Iran by the companies headquartered within their borders. An Obama administration should make this request, and do the same with other governments if other companies try to sell gasoline to Iran.

But the U.S. also has significant direct leverage over the companies that currently supply most of Iran's imported gasoline.

Consider India's Reliance Industries which, according to International Oil Daily, "re-emerged as a major supplier of gasoline to Iran" in July after taking a break for several months. It "delivered three cargoes of gasoline totaling around 100,000 tons to Iran's Mideast Gulf port of Bandar Abbas from its giant Jamnagar refinery in India's western province of Gujarat." Reliance reportedly "entered into a new arrangement with National Iranian Oil Co. (NIOC) under which it will supply around . . . three 35,000-ton cargoes a month, from its giant Jamnagar refinery." One hundred thousand tons represents some 10% of Iran's total monthly gasoline needs.

The Jamnagar refinery is heavily supported by U.S. taxpayer dollars. In May 2007, the U.S. Export-Import Bank, a government agency that assists in financing the export of U.S. goods and services, announced a \$500 million loan guarantee to help finance expansion of the Jamnagar refinery. On Aug. 28, 2008, Ex-Im announced a new \$400 million long-term loan guarantee for Reliance, including additional financing of work at the Jamnagar refinery.

Or consider the Swiss firm Vitol. According to International Oil Daily, Vitol "over the past few years has accounted for around 60% of the gasoline shipped to Iran." Vitol is

currently building a \$100 million terminal in Port Canaveral, Florida.

Last year, when Minnesota Gov. Tim Pawlenty discovered that an Indian company, Essar, was seeking to both invest some \$1.6 billion in Minnesota and invest over \$5 billion in building a refinery in Iran, he put Essar to a choice. Mr. Pawlenty threatened to block state infrastructure subsidies and perhaps even construction permits for the Minnesota purchase unless Essar withdrew from the Iranian investment. Essar promptly withdrew from the Iranian investment.

Florida officials could consider taking a similar stance with Vitol.

The Minnesota example is not the only precedent. U.S. outreach to foreign banks and to oil companies considering investing in Iran's energy sector has reportedly convinced more than 80 banks and several major potential oil-field investors to cease all or some of their business with Iran. Among them: Germany's two largest banks (Deutsche Bank and Commerzbank), London-based HSBC, Credit Suisse, Norwegian energy company StatoilHydro, and Royal Dutch Shell.

A sustained initiative may be able to convince most or all current and potential suppliers that the profits to be gained from continuing to sell gasoline to Iran will be dwarfed by the lost loan guarantees and subsidies and foregone profits they will incur in the U.S. from continuing to do business with Iran.

Last Sunday, a group of 60 Iranian economists called for the regime to drastically change course, saying that President Mahmoud Ahmadinejad's "tension-creating" foreign policy has "scared off foreign investment and inflicted heavy damage on the economy." The economists said the current sanctions, as weak as they are, have cost Iran billions of dollars by forcing it to use middlemen for exports and imports. Halting Iran's gasoline supply could contribute to reaching a tipping point—at which economic pressures and protests convince the regime its illicit nuclear program poses too great a risk to its grip over the Iranian people.

If the federal and key state governments in the U.S. were to make it their goal to achieve a halt by companies selling gasoline to Iran, it could be a game-changer. It may be our best remaining hope for peacefully convincing Iran to desist from developing nuclear weapons.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise this evening to address criticism that has been raised by some of our Republican colleagues about the Omnibus appropriations bill that is before us today. As I have talked about repeatedly, this bill that is in front of us now is very critical. At the end of this week, a few days from now, the continuing resolution we have been operating under is going to expire. At that time, the Government will shut down if we do not take action.

This bill we are talking about keeps the Government running at a time when we desperately need Federal employees on the job working to help our economy recover. Our communities are counting on the money and the work in this bill. This bill fulfills the commitment we made to our communities back in June and July, when we marked up these appropriations bills. It ensures that the basic needs of Government, from housing to law enforcement, to transportation safety are met

and that our agencies keep up with inflation.

I have come to the floor because some of my colleagues on the other side of the aisle have been raising questions about the 1 percent of funding in this bill that they call earmarks. I wish to spend a minute talking about that 1 percent of this funding.

The fact is, this is money that is being directed to critical needs in our communities, projects that our local leaders say they badly need so they can keep people safe or help them fund housing or ensure that local businesses stay strong.

Opposing that money means opposing new jobs, updating infrastructure and economic opportunity in local communities, including many in my home State at a time when communities across this country need all the help they can get to recover from this economic crisis. For example, this bill includes \$3 million to help widen a very dangerous stretch of road between Walla Walla and Pasco in my home State of Washington.

Now, in the last 18 years, there have been over 1,000 accidents on that stretch of highway. Over 400 people have been hurt and more than 30 people have died. It is so dangerous a stretch of highway that local officials formed a coalition just to fight for funding to widen that highway. I have been very proud to work with them to help make their community safe. The sooner we can get that highway fixed the better.

This bill also includes \$3 million to reimburse communities in Washington State for some of the cost of protecting our northern border. Now, most of the communities on our northern border are very small. But they bear the large burden of protecting our Nation from international criminals, including drug dealers and potential terrorists, and jailing international fugitives.

In fact, in Whatcom County, in the northern part of my State of Washington, they spend about \$2 million from their general fund, from the county's general fund, every year to process these border-related criminal cases. They shoulder, this poor little county, an unfair burden in return for keeping all of us safe.

Those police and sheriffs along the border have made it clear to me that they need help. I was glad to work in this bill to help ensure that the Federal Government, us, is stepping up to support that local county.

This bill includes over \$700,000 to build 83 studio apartments for chronically homeless and mentally ill people in Seattle, with at least a third of the space designated for homeless veterans. Because of this housing money, they are going to have a stable place to live. It will prevent some of the most vulnerable people in our community from falling through the cracks and allow them the chance to focus on getting treatment and rebuilding their lives.

Cascade Supportive Housing is a key part of King County's 10-year plan to

end homelessness. Not only will this money help the people who live there, it will take a burden off the social safety net and ultimately save all of us money in services we would have had to provide. So like all of the projects listed, this might not have gotten Federal support if that community had not come to me as their Senator and if I had not been able to work hard, as my job is, to secure money in this appropriations bill. I am proud I can include funding for programs that help my constituents.

We have heard these projects called insulting and wasteful. Tell that to the commuters in Walla Walla. Tell that to the families trying to keep their homes in Seattle. Tell that to law enforcement personnel in Bellingham in Whatcom County.

Washington State is 2,500 miles away from this Nation's Capitol. When I come to DC, it is my responsibility to fight for my home State. I don't want to leave the decisions about what is best for Washington up to a bureaucrat in an agency who has never been to or even heard of Walla Walla or Pasco or Blaine, who has no idea who the people in those communities are or what their needs are. The Founders of our Constitution didn't want that either. In fact, our Nation's Founders made it clear that the administration has no right to spend money without congressional approval. They believed the people, through their representatives—and that is all of us—should make those decisions. Without congressionally directed spending, the President would have unprecedented power to determine where all of our taxpayer dollars are spent.

It is easy for critics to pull out projects that may sound funny to them or make an easy cable news story. They do this and then try to paint every bit of congressionally directed spending with one brush. I reject those efforts. I reject the notion that each and every bit of spending we direct is correct or wasteful. My constituents do too.

Additionally, unlike the pictures some of my colleagues are trying to paint, none of this spending is secret. Last Congress, Democrats led the most sweeping ethics and earmark reform in history. This year, the Appropriations Committees in both the House and Senate went out of their way to voluntarily bring that transparency to a new level. Last year, we reduced earmark spending by 43 percent. After President Obama won in November, we then went back and cut it by 5 percent more. Each and every earmark in this bill now has a name attached to it. Anyone who wants to can go online and find out who is asking for money and for what. That is the accountability and the transparency our constituents deserve and we have provided.

Secondly, Democrats are not the only ones directing money in this bill. Nearly half of the earmarks Republicans object to were inserted by Re-

publicans themselves. This bill directs \$475,000 to build an emergency shelter at a Women's Bay in Alaska; \$475,000 to Harbor Homes in Nashua, NH, to build housing for honorably discharged homeless veterans; \$475,000 for the construction of a residential substance abuse treatment center for women and their children in Sioux Falls, SD; \$617,000 for a new building for the Houston food bank in Houston, TX; and \$190,000 to build low-income housing in New Orleans. These and dozens of other projects are going to help families who are hungry or veterans who are homeless. They will enable parents to get access to high-quality childcare and families to find safe, affordable housing. They are good projects, and I am sure the Republican Senators who put them in these bills did so because they know this money will make a real difference for people in their communities. They know that if they didn't fight for funding in this bill, it is going to be up to some DC bureaucrat who might not know that the Houston food bank needs a new roof or that there is a real need for an emergency shelter at Women's Bay, AK. All of these create jobs. They direct money to vital infrastructure needs. They help strengthen communities for the future.

Senators who oppose this bill say it is full of waste. I doubt any of the Senators who asked for this money would say their project was money gone to waste. I bet neither would the communities that need the money to help shelter families or support businesses or keep people safe.

The point is, just as I don't expect a Senator from Oklahoma or Arizona to know the needs of Walla Walla or Bellingham, I don't want to tell another Senator that I know their State better than they. We have huge needs in this country today. We cannot afford to tie this bill up any longer on petty, baseless arguments. We cannot afford to risk shutting down the Government at the end of the day.

I urge colleagues, let's get this bill passed. Let's move forward. Let's get to work addressing the real problems Americans face every day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I ask permission to speak as chairman of the Senate Committee on Appropriations Defense Subcommittee. I realize the Defense bill is not part of this package, but I have become quite concerned with the debate because I am certain many of my fellow Americans are now reaching the conclusion that earmarks are evil, that it is a waste, the money is down the drain.

I would like to share with my colleagues and refresh their memory as to what some of the funds have been spent for. This may come as a surprise to many Americans, but breast cancer research is in the Defense bill. It is an earmark. The National Institutes of Health has just declared that the finest

research on breast cancer is that program. That is an earmark because no one wanted to put in money for breast cancer. Now it is becoming the fad of the Nation. It is popular. But it took an earmark to begin that program. We have spent millions of dollars.

Then we have an aircraft called the C-17. It is now the most productive and the best working aircraft we have to carry cargo and personnel. Then we have the F-22, a fighter plane that requires a landing space just about the size of this room. I am citing these because these have shortened a war in Iraq. There is also the Predator, the unmanned vehicle. We send a plane out with no pilot, but it sends back signals and photographs, makes it possible for the men and women on the field to know what is on the other side of the mountain. That is an earmark. It did not come out of the mind of the President of the United States or from the Defense Department. It came from the minds of the members of the committee. I dare anyone to suggest that these are evil products. It has helped to shorten the war. It has helped to save lives. It will bring back the brave and courageous men and women from Iraq.

Yes, there are many more I can cite. But I think these few should remind us that earmarks are not evil.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, the Coburn amendment concerning the removal of line item appropriations from the bill that were sponsored by a group called PMA is pending before the Senate. I think it would be of interest to my colleagues to have some additional information about this organization.

I have mentioned before this organization's offices were raided in November in connection with an FBI investigation into its campaign contribution practices. According to multiple news accounts, the Associated Press reported Tuesday that the home of the founder of the PMA group, former House appropriations aide Paul Magliochetti, was also raided. Also, by doing some cursory research, we became aware that CQ reported last week that 104 Members of the House sponsored or cosponsored earmarks for clients of the PMA group in a single bill—the fiscal 2008 Defense appropriations bill. That set of lawmakers got \$1.8 million in campaign contributions from the PMA group and its employees between 2001 and 2008. I also pointed out earlier today there was a Washington Post story as well as others reporting that there are campaign contributors who are listed as being contributors who have no knowledge, nor

have ever been involved, in making campaign contributions.

I also noted that the payment for inserting the 14 appropriations—the 14 projects—in this bill to PMA Group comes to a total of \$2.185 million. That is not a bad business for 1 year, to get paid \$2.185, nearly \$2.2 million of the taxpayers money—for getting porkbarrel projects inserted in appropriations bills. It is another reason why we should take these projects out. Many of these projects have been going on for some time and have been receiving very large amounts of Federal dollars for a long period of time. Most of them are doing the business that could be done by the National Science Foundation or done by the Department of Defense in competitive bidding, and many other ways that funding for these various companies and projects could have been implemented. Instead, they were inserted in an appropriations bill without authorization, without hearings, and without scrutiny. It is a very large amount of money—over \$10 million which is being appropriated—and I am sure the payment to that lobbying group comes out of the money they are able to secure through this process.

So a cursory examination of the 14 projects identified revealed over \$2 million paid to PMA as a fee for their services of a lobbying group that secured the earmarks. I think it is another reason why the Coburn amendment should be adopted. If the Coburn amendment is not adopted, then clearly, it is not only business as usual in Washington, but it indicates without a doubt that even if the FBI raids your headquarters, even if the home of the head of the lobbying group is raided by the FBI, your projects will still be inserted into appropriations bills without authorization, without scrutiny, and without competition.

This is a very important vote that is coming up. It is only—when I say “only”—\$10 million, but this organization, PMA, has been able to secure hundreds of millions of dollars over the years for various entities. If we go ahead and do not remove these projects, then it is not only business as usual in Washington, it has hit a new low.

I wish to thank the Senator from Oklahoma for his courage. I am aware, as he is, that it is not the most popular thing to do, to come to the floor and try to eliminate these projects and help work to reform the system that is obviously badly broken.

I note the presence of the majority leader on the floor. I did note his quote today where he said that the amendment is “a nice try, but there’s no lobbying organization I know of that is earmarked.”

Well, they are identified in the bill as according to the legislation or rule we passed last year. It may be a nice try, but I want to assure the majority leader that as long as I am here, I will come to this floor and I will go to the

American people and try to stop this terrible waste of their tax dollars at a time when Americans are experiencing the most difficult of times.

With that, I thank the Senator from Oklahoma again for his courage and his hard work.

I yield the floor.

Mr. COBURN. Mr. President, could I inquire of the Chair what the order of business is now?

The PRESIDING OFFICER (Mr. SCHUMER). Votes are scheduled to begin at 5:35.

Mr. COBURN. Do we have any arrangement for the division of time?

The PRESIDING OFFICER. No, there is no such arrangement.

Mr. COBURN. I ask unanimous consent to be recognized and to share that time with anybody in opposition.

Mr. REID. Mr. President, I think the only speakers left are Dr. Coburn and myself, so he can go ahead and use any time he wants and if he goes over, I can use my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, this amendment is straightforward. There is an alleged significant violation of Federal law associated with the firm that was responsible for lobbying for the insertion of these 13 earmarks. I have not said anything about the quality of these earmarks. I have not said anything about the individuals who actually placed them. What I ask my colleagues is, in light of where we are today, should we not back off and say these should be stricken from the bill at this time until that situation is clarified?

It is prudent from a couple of standpoints. The investigation is rolling forward. We have had private residences now searched by the FBI, computers taken, and information pulled under subpoenas and search warrants issued by Federal courts. Do we want to be in the midst of passing things that were connected with what appears to be and is alleged to be improper behavior both in terms of the source of the funds, the payment of campaign funds, and the lobbying efforts on behalf of these firms?

I cast no aspersion on the firms or the entities that are getting this, nor on the individuals who have placed these earmarks. But I can tell my colleagues the American people are not going to be happy if we don't recognize that maybe there is a checkpoint here where we ought to reconsider what we are doing in light of the developing situation around this firm. If we go forward and assume there will be prosecutions and convictions, we find ourselves in a very uncomfortable position of having encouraged it. We also send a signal to other individual lobbying firms that there isn't a standard of behavior to which we will not respond to their lobbying efforts.

I ask my colleagues to take a look at this not as Members of the Senate but as individual citizens outside of the

Senate in the country, as others look at us and say, What are you doing?

Is there not a point in time—again, I make the point that the Senator from Arizona made that it would be totally different if these were authorized earmarks, but they are not. They went through the Appropriations Committee, not the authorizing committees. They have never been judged by a group of our peers. They weren't voted on; they were inserted. We raise the specter of whether we can be trustworthy in front of the American people. We need to work to regain their trust.

I will not say any more. This will speak a lot about our body and what the American people say. I understand the votes are lining up. I understand that. But I will assure you that I will keep coming to the floor on earmarks—not because I am against earmarks. If you authorize an earmark, I will give you your right to do whatever you want to do. On unauthorized earmarks that aren't vetted and are put out in front of the rest of the Congress and the rest of the individuals on committees to have a vote on whether they are a priority, I am going to keep raising that issue. I am sorry if that is irritating, but that is the way it is going to be.

Mr. President, Senator BOXER defended an earmark she sponsored that I have singled out as an example of misplaced priorities.

The Boxer earmark, which is one of nearly 9,000 tucked into this bill, is listed on page 100 of the bill's report and is described only as \$475,000 "for improvements to the Orange County Great Park" from the Economic Development Initiatives to "Orange County Great Park Corporation, CA."

Nothing more is stated as to the purpose or intent of this earmark.

Senator BOXER claimed that my criticism of this earmark was an insult to veterans in her state. This is apparently because the unwritten and unspecified intention of the earmark according to her statement is to restore the El Toro Marine Corps Air Station Hangar Number 244 into a history museum and welcoming center.

The reality is this type of legislating without transparency is an insult to all taxpayers.

With nearly 9,000 earmarks in this bill described with nothing more than a few words or a single vague phrase, it is next to impossible for anyone other than the Senators and lobbyists who requested these earmarks to know the real intent of how billions of dollars in taxpayer dollars are intended to be spent.

As I found from statements made by the Senator from California and the Great Park's own Website, the Great Park "will be larger than New York's Central Park and San Francisco's Golden Gate Park COMBINED."

This municipal park is expected to cost \$1.1 billion. Its main attraction is a massive helium balloon operated by

two pilots with six-figure salaries. According to the Orange County Great Park Corporation Website, "The Orange County Great Park Plan will provide a wide array of active and passive uses, including a 2.5 mile canyon and lake, miles of walking and biking trails, a cultural terrace, Orange County's largest sports park, a botanical garden, and a tethered helium observation balloon that will be an icon for the Great Park. More than 3,885 of the 4,700 acres will be dedicated to open space, education, and other public uses."

As found by the Los Angeles Times, the Great Park also includes a \$300,000 tent designed to resemble an airplane hangar that costs \$75,000 a year to clean; a four-person visitor center crew hired under a \$370,000 annual contract; a series of orange dots painted along the park's entrance road at a cost of \$14,000.

Additional costs have included \$838,000 to build a road to the balloon, plant citrus trees and buy a \$300,000 special 50-by-50-foot tent that will serve as the visitor center, \$380,000 a year for two balloon pilots, a hostess and maintenance, \$100,000 a year for a balloon replacement fund, \$94,000 a year for portable restrooms, \$52,000 annually for security between 1 and 5 a.m., and \$30,000 a year for trash removal.

This appropriation of almost half a million dollars could have gone to any of these initiatives none of which sound like true national priorities.

Local county officials were, in fact, outraged with what local funds were being appropriated for. The bulk of the first \$52 million the city spent on this project went to hire a team of dozens of design, engineering and public relations consultants, to build the balloon ride and to pay administrative staff.

"To have nothing more than a balloon and the possibility of a 27-acre park is disappointing," said county Supervisor Bill Campbel, "They're spending a lot on engineers, PR people and other things, and they're not delivering."

State Assemblyman Todd Spitzer—a Republican from Orange County—also criticized the city for not building recreation facilities that could be used by the public, while wasting money on "a ridiculous, oversized balloon and free rides."

With a state-wide unemployment rate at over 10 percent and almost 2 million unemployed, Californians may also prefer these funds to be spent on other more pressing priorities.

While we all want to honor the great sacrifices or our veterans, I do not believe this earmark is a national priority, especially in light of the poor local spending decisions made in the past on this ambitious municipal park project. Perhaps this money and the billions spent on the other pork projects in this bill could have been better spent on veterans health care or survivor benefits for the spouses and families of those who lost their lives fighting for our great Nation.

Ms. SNOWE. Mr. President, I rise in opposition to the Coburn amendment No. 610, which will eliminate, among other appropriations requests one that my colleague from Maine, Senator COLLINS, and I had submitted that would help preserve and rehabilitate historic lighthouses along the Maine coast.

At a time when our economy continues to cascade downward with unemployment at record highs, I do believe it is critical to scrutinize the size and scope of spending measures which is frankly what we did in regard to the recently enacted stimulus package—so I understand the impetus behind my colleague's amendment. At the same time, regrettably, his amendment would potentially harm not only the existence of an historic emblem of my State and our Nation, but also a key economic catalyst for tourism that is part and parcel of my home State and the livelihood of many of her citizens.

Each lighthouse tells a different story and each one is as integral to the history and narrative of our State as the magnificent landscapes on which they proudly stand. That is why, in 1995, I introduced a bill that would later become law to establish the Maine Lights Program. We succeeded in preserving this significant component of American heritage through collaboration among the Federal Government, the State of Maine, local communities, and private organizations, while at the same time, relieving what had become a costly strain on the U.S. Coast Guard.

Across the country, responsibility for the care of our lighthouses has been assumed by nonprofit historic societies—many of which are struggling in these uncertain economic times. That is why this bill would appropriate \$380,000 to the American Lighthouse Foundation, stewards of 11 of Maine's 83 historic lighthouses.

I believe that the essential word in my previous sentence is "stewards"—because the structures are still federally owned property. It is not private property, it is not city or town property or even State property, but Federal property. It is also imperative to note that these lighthouses are operable aids to navigation. Lighthouses may seem a quaint relic of a bygone era, however they are not an anachronism. Daily, lighthouses lead our Nation's mariners and fishermen away from danger.

Given that the maintenance of lighthouses is now being transferred under the National Lighthouse Preservation Act from Federal ownership to nonprofit historical societies like the American Lighthouse Foundation, the task of providing the required resources to ensure the longevity and viability of these lighthouses would also represent a welcomed economic boost both to tourism and also to job creation.

The fact is, tourism has become increasingly crucial to Maine's economy, as manufacturing jobs have fled our

State, not to mention our Nation. In fact, in 2006, the most recent year for which statistics are available, approximately one-fifth of State sales tax revenues were attributable to tourism, and, when income and fuel taxes are added, the Maine State government collected \$429 million tourism-related tax dollars in that year.

The Maine State Planning Office, which has quantified more precisely the pivotal role tourism plays in the Maine economy, found that in 2006, tourism generated \$10 billion in sales of goods and services, 140,000 jobs, and \$3 billion in earnings. Tourism accounts for one in five dollars of sales throughout Maine's economy and supported the equivalent of one in six Maine jobs. The Planning Office also discovered that an estimated 10 million overnight trips and 30 million day trips were taken that year in Maine, with travelers spending nearly \$1 billion on lodging, \$3 billion on food, and \$1 billion on recreational activities.

But those statistics are from 3 years ago—before the economy began to unravel at an accelerating rate, and so given these economic times confronting all of us, the financial necessity of our lighthouses, especially to tourism, has grown, not dissipated.

And so, I urge my colleagues to defeat this amendment and send a message not only that historic preservation of our nation's prominent buildings and structures—like our lighthouses—continues to be in the national interest, but also that tourism is an industry we should be striving to support as a key antidote to our ailing economy.

Mr. BYRD. Mr. President, my colleague from Oklahoma has offered an amendment which seeks to eliminate funding for 11 initiatives. Among those initiatives he seeks to eliminate is language authorizing the National Park Service to expend up to \$300,000 to defray the costs of the events associated with the 150th anniversary of John Brown's raid on the arsenal at Harpers Ferry.

For those whose memories need refreshing, on the evening of October 16, 1859, abolitionist John Brown led a group of men to Harpers Ferry to seize control of the town and steal weapons from the old Federal armory to be used in the cause against slavery. By the morning of October 18, the engine house, later known as John Brown's Fort, was surrounded by a company of U.S. Marines under the command of COL Robert E. Lee of the U.S. Army. With most of his men either dead or captured, John Brown was taken into custody, tried, and found guilty of treason, conspiring with slaves to rebel, and murder. Although John Brown's short-lived raid on Harpers Ferry failed, his trial and execution helped to focus the Nation's attention on the moral issue of slavery and constituted a major step toward the Civil War.

I had requested \$300,000 to enable the National Park Service to fully support

the myriad activities that have been planned in the Harpers Ferry area throughout this year to highlight the relevance of John Brown's raid to the history of this country. Ultimately, the Interior Appropriations Subcommittee, rather than supporting direct funding, included language to provide the National Park Service the authority to expend up to \$300,000 for the anniversary effort.

The Park Service is expecting that nearly 100,000 people will participate in the series of reenactments, dramatic productions, family activities, and special tours that have been planned by the John Brown Sesquicentennial Quad-State Committee. Supporting the events for such crowds at the Harpers Ferry National Historical Park will largely be the burden of the National Park Service. Without the additional support, the agency reports that planned activities at Harpers Ferry would likely have to be reduced in scope by 75 percent.

As a Congress, we should be doing all in our power to keep the unique history of our country alive and accessible to anyone who wants to learn. In better understanding the significance of the Harpers Ferry raid, we learn about our Nation's failures, our mistakes, and the inequities of our past. But we also learn about the values and ideals upon which our Nation was founded—the values and ideals that have inspired the American people throughout our history. Writing about the thousands of soldiers who lost their lives during the Civil War battle at Antietam, historian Bruce Catton explained that those men did not die for a few feet of a cornfield or a rocky hill. They died that this country might be permitted to go on, and that it might be permitted to fulfill the great hope of our Founding Fathers.

So may be said of all those courageous men who participated in the historic raid on Harpers Ferry. They paid the ultimate sacrifice to permit this country to go on, to fulfill the great hope of our Founding Fathers. They sacrificed to promote and to protect the freedom and liberties of all Americans. As President Abraham Lincoln said of those soldiers who fell in the Battle of Gettysburg, they "gave their lives that this Nation might live."

Without this knowledge of our heritage, we cannot appreciate the hard-won freedoms that are now our birthright. As I have said before, one does not protect what one does not value. And one does not value what one does not understand.

Mr. INOUE. Mr. President, many of my colleagues whose spending initiatives are under attack by this amendment have spoken today to provide a more detailed explanation of what the funding would be used for.

If we took the time to listen, we discovered that what may appear frivolous based on a three word description is actually relevant to the programs under which the funding is provided,

and relevant to improving the lives of our constituents.

For example, the tattoo removal earmark on this list is for a program run by Providence Holy Cross Hospital in Mission Hills, CA, to remove gang insignia tattoos of reforming gang members. It is an effective anti-crime program founded by Sister June Wilkerson.

For ex-gang members, having a tattoo often means not getting hired for a job, or beaten or killed. It is that simple. It is that effective.

I have a few comments about the bill as a whole and earmarks. I would also like to note that this bill reflects a reduction in earmarks of 45 percent from fiscal year 2006 and a 5-percent reduction from last year.

These initiatives are not a surprise to anyone in this chamber. Every earmark in this bill is on the Internet.

A few Members are simply trying to pick a project here and a project there to attack to further their effort to amend and delay passage and possibly kill this bill.

We need to finish our work here.

I have no problems with reforming the way we do business, in fact, in our continuing effort to provide unprecedented transparency to the process, Chairman OBEY and I announced further reforms to begin with the 2010 bills, including: (1) a further reduction in earmarks. We have committed to reducing earmarks to 50 percent from fiscal year 2006 level; (2) posting requests online to offer more opportunity for public scrutiny of member requests. Members will be required to post information on their earmark requests on their web sites at the time the request is made explaining the purpose of the earmark and why it is a valuable use of taxpayer funds; and (3) early public disclosure to increase public scrutiny of committee decisions.

Earmark disclosure tables will be made publically available the same day as the House or Senate subcommittee rather than full committee reports their bill or 24 hours before full committee consideration of appropriations legislation that has not been marked up by a Senate subcommittee.

I urge my colleagues to oppose this amendment.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, if I don't finish my remarks before 5:35, I ask that everybody recognize that the vote may occur a minute or two right after 5:35.

This amendment directs the Senate to eliminate 13 separate science and education projects from this bill. The Senator from Oklahoma claims these projects are somehow associated with a lobbying outfit that is under some kind of an investigation. He acknowledges that the quality of the congressionally directed spending is not questioned, that the persons whose names are associated with these congressionally directed funding matters are not in question. So what is this all about?

I wish to remind my colleagues of the many reforms this Congress has imposed on the earmarking process. The days of unlimited and unaccountable congressionally directed spending are gone. Those days are behind us. We passed the most sweeping ethics and lobbying reform in the history of the country—and rightfully so. We have never gone beyond that.

Last year, when we were back in power for the first time in a number of years, we Democrats dramatically reduced the volume of earmarks in the bills—by 43 percent. In this bill, we reduced them another 5 percent. The volume of earmarks is less than half what they were in 2006 when our Republican colleagues were in the majority.

Just as important, under our reforms, each and every congressionally directed spending earmark in this bill is fully disclosed and transparent to the public. What does that mean? Each of these is backed by a letter from a House or Senate sponsor certifying that they and their family members have absolutely no financial interest in the earmark. For every one of these earmarks, the name of the grantee and the House or Senate sponsor are posted on the Internet for the public to see. So there is the name of the person requesting it, a certification that no one benefits from it other than the person to whom the money is directed, and they are posted on the Internet before any of these are voted on in the House or Senate.

This amendment is the third separate amendment the Senator from Oklahoma sought to present to the Senate on this topic of congressionally directed spending. Everybody knows how I feel about these. I am a Member of the Congress of the United States. I believe in the Constitution. I believe that when the Founding Fathers set up this country, they set up three separate and equal branches of Government. What Congress has been doing since we became a country is have the Congress involved in where spending takes place. I have an obligation to the people of Nevada to make sure there is not some bureaucrat down in one of these big offices in Washington, DC, who determines every penny spent in Nevada. I think I have a better outlook on this than a lot of people who are bureaucrats. I have been here going on 27 years, and I have done my best to direct congressional spending to places in Nevada where I think it helped. It has helped. I am one who believes we are going to reduce these earmarks even more. We have made that commitment. But no one should lecture me on what my role is as a Member of Congress.

I say that this amendment, I repeat, is the third separate amendment the Senator from Oklahoma has sought to present on this topic. A couple of days ago, the Senator filed amendment No. 609 to address this lobbying outfit known as PMA. I don't even know what that stands for; I have no idea. Yester-

day, he filed a completely different amendment, No. 623, which he called to the floor. That amendment purported to list earmarks in this bill that are associated with this suspect lobbying organization. Then, after he presented No. 623 to the Senate, he realized he had a project listed in this amendment for DePaul University that probably had absolutely nothing to do with this lobbying group. So he got consent—we didn't object to changing the amendment—to remove that project from the list.

That is the central point. We don't necessarily know who the lobbying groups are behind the projects that are asked to be appropriated by Members of Congress, just as Senator COBURN didn't know who the lobbyist was for this project for DePaul. We don't include earmarks at the behest of lobbyists; we include them at the behest of elected Members of Congress. That is what the Appropriations Committee does.

There are famous firms in town—Tommy Boggs—everybody knows Patton Boggs, but that firm has nothing in here. They are a big lobbying outfit. Their name doesn't appear on anything. The only thing that appears is what is in the RECORD, and it is so transparent, you could not try to hide anything if you wanted to anymore. You have to list everything, and it appears in the RECORD days before we vote on it.

For the projects I champion in Nevada, I don't check to find out if a lobbyist cared. I don't really care, Mr. President. A lot of my constituents in the city of Las Vegas, Clark County; the city of Reno, Boulder City; North Las Vegas, and the universities have lobbyists. I don't give those entities I just mentioned an earmark because some lobbyist asked for it. I support projects in Nevada because they are brought to me by my mayors, community organizations, and universities. I support them because I believe they will improve the lives of people in my State.

We cannot start picking and eliminating earmarks because we think we know who the lobbyist may be, just like DePaul University. Lobbyists don't face the voters. Lobbyists are not accountable for the merits of these projects, and nobody has focused more attention on lobbyists than President Obama. Congressmen and Senators are accountable for these projects, not lobbyists. Congressmen and Senators will be held accountable by constituents, not lobbyists. Every one of these objections to funding that the Senator from Oklahoma has raised has the name of a Member of Congress by it. That is the person responsible.

I hope my colleagues will join me in defeating this vexatious amendment which is without any foundation.

#### CLOTURE MOTION

Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 1105, the Omnibus Appropriations Act.

Harry Reid, Daniel K. Inouye, Patty Murray, E. Benjamin Nelson, Mark L. Pryor, Amy Klobuchar, Debbie Stabenow, Bernard Sanders, Patrick J. Leahy, Sheldon Whitehouse, Byron L. Dorgan, Richard Durbin, Charles E. Schumer, Jack Reed, Barbara A. Mikulski, Mary L. Landrieu, Jon Tester, Tom Harkin.

Mr. REID. Mr. President, I indicated to my friend, the distinguished Republican leader, that I would file a cloture motion. I didn't tell him when. I said it would be today. One reason I am doing it now is that during the day we have had scores of other amendments filed. It is obvious there is no effort to help us pass this extremely important legislation. I think the time has come to bring it to a close. We can vote either Friday morning or we can vote sometime tomorrow. Other amendments will be offered, and I understand that. We will work with the minority as to what those amendments should be. We know we have three pending. I have talked to a number of other Senators on the Republican side who want to offer amendments. We will take those into consideration.

Mr. President, I ask that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 610, offered by Senator COBURN.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNIS) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 61, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—34

Barrasso	Crapo	Inhofe
Bayh	DeMint	Isakson
Bennet	Ensign	Kyl
Brownback	Enzi	Lugar
Bunning	Feingold	Martinez
Burr	Graham	McCain
Chambliss	Grassley	McConnell
Coburn	Gregg	Nelson (FL)
Corker	Hatch	
Cornyn	Hutchison	

Risch	Thune	Vitter
Roberts	Udall (CO)	Wicker

NAYS—61

Akaka	Gillibrand	Nelson (NE)
Alexander	Hagan	Pryor
Baucus	Harkin	Reed
Begich	Inouye	Reid
Bennett	Johnson	Rockefeller
Bingaman	Kaufman	Sanders
Bond	Kerry	Schumer
Boxer	Klobuchar	Shaheen
Brown	Kohl	Shelby
Burris	Landrieu	Snowe
Byrd	Lautenberg	Stabenow
Cantwell	Leahy	Specter
Cardin	Levin	Stabenow
Carper	Lieberman	Tester
Casey	Lincoln	Udall (NM)
Cochran	McCaskill	Voinovich
Collins	Menendez	Warner
Dodd	Merkley	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden
Feinstein	Murray	

McConnell	Roberts	Vitter
Murkowski	Shelby	Wicker
Nelson (FL)	Snowe	
Risch	Thune	

NAYS—52

Akaka	Harkin	Reed
Baucus	Inouye	Reid
Begich	Johnson	Rockefeller
Bingaman	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Kohl	Shaheen
Burris	Landrieu	Specter
Byrd	Lautenberg	Stabenow
Cantwell	Leahy	Tester
Cardin	Levin	Udall (CO)
Carper	Lieberman	Udall (NM)
Casey	McCaskill	Voinovich
Dodd	Menendez	Warner
Dorgan	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Murray	Wyden

The other three amendments have had some discussion but we will have to have some more because, of course, they were laid down yesterday.

I think that gives the body an understanding of where we are and where we are going to go tomorrow. We will probably come in about 9:30 tomorrow and try to work through these amendments.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENTS NOS. 634, 613, AND 638

Mr. COCHRAN. Madam President, in keeping with the statement of the majority leader, I ask unanimous consent that the pending amendments be set aside and that amendment No. 634 by Senator KYL, No. 613 by Senator INHOFE, and No. 638 by Senator CRAPO be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. KYL, proposes an amendment numbered 634.

The Senator from Mississippi [Mr. COCHRAN], for Mr. INHOFE, proposes an amendment numbered 613.

The Senator from Mississippi [Mr. COCHRAN], for Mr. CRAPO, for himself, Mr. VITTER, and Mr. CORKER, proposes an amendment numbered 638.

The amendments are as follows:

AMENDMENT NO. 634

(Purpose: To prohibit the expenditure of amounts made available under this Act in a contract with any company that has a business presence in Iran's energy sector)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) Except as provided under subsection (b), none of the funds made available under this Act may be spent by a Federal agency in a new contract or other expenditure of Federal funds with a company identified by the Department of the Treasury Office of Foreign Assets Control (OFAC) as having a business presence in Iran's energy sector, including Iran's refineries, gasoline, refined petroleum products, and oil and natural gas fields.

(b) The President may waive the application of subsection (a), on a case-by-case basis, if the President—

- (1) determines that such waiver is necessary for the national security interests of the United States; and
- (2) submits an unclassified report to Congress, with a classified annex if necessary, that describes the reasons such waiver is necessary.

AMENDMENT NO. 613

(Purpose: To provide that no funds may be made available to make any assessed contribution or voluntary payment of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons)

On page 942, between lines 14 and 15, insert the following:

RESTRICTION ON ASSESSED CONTRIBUTIONS AND VOLUNTARY PAYMENTS TO UNITED NATIONS

SEC. 7093. None of the funds appropriated or otherwise made available under any title of this Act may be made available to make any assessed contribution or voluntary payment of the United States to the United Nations if the United Nations implements or

NOT VOTING—4

Conrad	Kennedy
Johanns	Sessions

NOT VOTING—4

Conrad	Kennedy
Johanns	Sessions

The amendment (No. 610) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The amendment (No. 623), as modified, was rejected.

Mrs. MURRAY. Madam President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCHUMER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

AMENDMENT NO. 623, AS MODIFIED

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided before a vote on amendment No. 623, as modified.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I yield back my time.

Mrs. MURRAY. I yield back our time.

The PRESIDING OFFICER. All time is expired.

The yeas and nays have not been ordered.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNIS) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—43

Alexander	Cochran	Gregg
Barrasso	Collins	Hatch
Bayh	Corker	Hutchison
Bennet	Cornyn	Inhofe
Bennett	Crapo	Isakson
Bond	DeMint	Klobuchar
Brownback	Ensign	Kyl
Bunning	Enzi	Lincoln
Burr	Feingold	Lugar
Chambliss	Graham	Martinez
Coburn	Grassley	McCain

Mr. COCHRAN. Madam President, the leader is correct.

Mr. REID. That gives us six votes to work out sometime tomorrow. I think, from our perspective, we are drawing to the end of a little situation on which we have been here all week. I think we have given everyone the opportunity to offer amendments. We have filed now about 70-some-odd amendments. I think we have been more than reasonable on this bill. The time for this CR runs out the day after tomorrow.

Originally, as some will recall, Friday was listed as a "no vote" day and we were hopeful that could take place. I am still hopeful we can work out something tomorrow. If we cannot work out something with the minority tomorrow, we will have a cloture vote, probably about 9:30 on Friday. We hope that is not necessary but that we will see. We are going to do our best.

I have been informed by the distinguished manager of the bill on the Republican side that he believes that each of the three Senators—CRAPO, INHOFE and KYL—would agree to time agreements on their amendments.

imposes any taxation on any United States persons.

AMENDMENT NO. 638

(Purpose: To strike a provision relating to Federal Trade Commission authority over home mortgages)

Strike section 626 of title VI, of Division D.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. CONRAD. Madam President, I wish to offer for the record the Budget Committee's official scoring of H.R. 1105, the Omnibus Appropriations Act for fiscal year 2009.

The bill, as passed by the House, provides \$407.6 billion in nonemergency discretionary budget authority, BA, for fiscal year 2009, which will result in new outlays of \$244.5 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total \$468.1 billion.

The bill also includes \$100 million in emergency discretionary BA for 2009 resulting in \$85 million in new outlays for the Secret Service.

When the nonemergency funding in H.R. 1105 is combined with the funding included in H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act for fiscal year 2009, the overall level equals the Appropriations Committee's 302(a) allocation for budget authority and is \$2.5 billion below the committee's allocation for outlays.

Each appropriations subcommittee included in H.R. 1105 is at its respective 302(b) suballocation for budget authority and outlays.

The bill would cause the 2009 budget resolution spending aggregates to be exceeded and would therefore be subject to a point of order under Section 311(a)(2)(A) of the Congressional Budget Act. In addition, several provisions in the bill make changes in mandatory programs—CHIMPs—that are subject to a point of order under section 314 of S. Con. Res. 70, the concurrent budget resolution for fiscal year 2009. Finally, the bill includes an emergency designation pursuant to section 204 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008. No other points of order lie against the bill as passed by the House.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HR. 1105, Omnibus Appropriations Act, 2009

[Spending comparisons—House Passed Bill (in millions of dollars)]

	<i>Total Funding</i>
House-Passed Bill:	
Budget Authority .....	407,602
Outlays .....	468,067
Previously-enacted:	
Budget Authority .....	605,084
Outlays .....	636,433
Total:	
Budget Authority .....	1,012,686

Outlays .....	<i>Total Funding</i> 1,104,500
Senate 302(a) allocation:	
Budget Authority .....	1,012,686
Outlays .....	1,107,004
House-Passed Bill Compared To:	
Senate 302(a) allocation:	
Budget Authority .....	0
Outlays .....	-2,504

Note: The bill also includes \$100 million in emergency funding for the Secret Service.●

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WARNER. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING JASON MATTHEWS

Ms. LANDRIEU. Madam President, I wish to pay tribute to a young man who worked for me for many years—actually, for 12 years. He has been a very vital part of the Landrieu staff. He is retired. He left our office after 12 years of wonderful service.

Jason Matthews started out with me as an assistant in my first campaign for the Senate as literally a young kid right out of college. He worked his way up. He had no real political connections other than just a passion for the work, a heart for people, and a good mind. He came to Washington with me 12 years ago and started out, maybe even answering the phones some days, and worked his way up as military LA and then as legislative director and then general counsel and then left our office with the title chief of staff.

Besides serving with such great humor and a great mind for policy and, as I said, a great heart for people, he served with great cheer through very difficult times that our office and many of my colleagues from Louisiana have been through considering the storms of the past recent years and the extra work our staffs have had to go through because of them. Jason led that effort with good humor. Because of him, many wonderful accomplishments in our office have been achieved. One I will mention, and I will share the rest for the record, is Louisiana's long-standing effort to achieve some balance and fairness in the distribution of oil and gas royalties and revenues which interior States have enjoyed since 1927 and coastal States have not because of the peculiarity in the law.

Jason helped us fight a 10-year battle and finally was successful.

The people of all of Louisiana will be grateful for many years for his service. He has led the people of Louisiana to great achievements. He has served the people of our country well. I wanted to pay tribute to him today and to wish him the best as he goes on to future endeavors here in the Washington, DC, area.

TROUBLED ASSET RELIEF PROGRAM OVERSIGHT ENHANCEMENT ACT

Mr. INHOFE. Madam President, to date, over 380 companies have received some \$300 billion taxpayer dollars from the Troubled Asset Relief Program, supposedly to improve their financial stability. These include some of the largest corporations and financial institutions in America.

Yet in recent years, many of these same firms found enough money to contribute annually to some of the most radical organizations in the nation.

They have donated large sums to ACORN, Friends of the Earth, Planned Parenthood, the Natural Resources Defense Council, and Conservation International Foundation, to name just a few. The vast majority of Americans do not support the agendas of these fringe groups, whose excesses have been well-documented over the years.

Companies that get bailed out cannot carry on as if it were business as usual. They should not grab for taxpayer dollars help with one hand and give money to these radical organizations with the other.

That is why I have introduced the Troubled Asset Relief Program Oversight Enhancement Act.

This legislation would let us see how these companies are spending their money. If they are not focused on increasing their solvency or liquidity, if they are not working on lending to small businesses and individuals, if they are not helping get this economy back on track, and are instead financing extremist organizations, then the American people need to know about it.

“Transparency” is one of the new watchwords in Washington. Let's have some of that transparency for the sake of the American taxpayers, who deserve to see how these companies are behaving after receiving hard-earned tax dollars.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heart-breaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those